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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

BELIZE

[1 November 1996]

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ATTACHMENTS*

A. Laws and Acts of Belize referred to in this report

B. Priorities for reform to further improve compliance with the Convention

C. The Right to a Future: A Situation Analysis of Children in Belize, The National Committee for Families and Children and UNICEF Belize, 1995

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* Available for consultation in the files of the Secretariat.

Acronyms

AIDS	Acquired Immune Deficiency Syndrome
BCG	Bacille Calmette Guerin (tuberculosis) vaccine
BCVI	Belize Council for the Visually Impaired
BFLA	Belize Family Life Association
BNSE	Belize National Selection Examination
BYDC	Belize Youth Development Centre
CSO	Central Statistical Office
CXC	Caribbean Examination Council
CYDC	Conscious Youth Development Council
DHD	Department of Human Development
DPT	Diphtheria Pertussis Tetanus vaccine
EPI	Expanded Programme of Immunization
FSD	Family Services Division
G & GA	Government and Government Aided
HECOPAB	Health Education & Community Participation Bureau
ILO	International Labour Organization
IMR	Infant Mortality Rate
IYF	International Year of the Family (1994)
LBS	Live Births
MCH	Maternal & Child Health
MHR	Ministry of Human Resources, Women's Affairs & Youth Development
MMR	Maternal Mortality Rate
NCCC	National Consultative Committee for Children
NCFC	National Council for Families & Children
NDACC	National Drug Advisory Control Council
NGO	Non-governmental organization
NOPCA	National Organization for the Prevention of Child Abuse
PAHO	Pan-American Health Organization
PHC	Primary Health Care
PRYH	Princess Royal Youth Hostel
TBA	Traditional Birth Attendant
U5MR	Under-Five Mortality Rate
UCB	University College of Belize
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
UWI	University of the West Indies
YES	Youth Enhancement Service
YMCA	Young Men's Christian Association
YWCA	Young Women's Christian Association

Introduction

1. This report has been written to fulfil the commitment of Belize upon signing the Convention on the Rights of the Child. It has been formated specifically to respond to the articles of the Convention, consistent with the General Guidelines provided for this purpose. The Government of Belize is confident that this document fairly and fully describes the degree of compliance by Belize with the provisions of the Convention on the Rights of the Child, and adequately highlights priority areas for further reform to improve that compliance.

2. This report has also been prepared to serve as a useful public resource for national and local government and non-government agencies and interested individuals, and to thus facilitate dialogue about further reform in this area. It will therefore also serve as a working document for the National Committee on Families and Children (NCFC), as the main body advising Government in this regard.

3. As will be seen in this report, there have been a number of reforms either undertaken, or set in process, in the past year or two in particular. These reforms have primarily occurred in the context of national planning coinciding with the International Year of the Family (IYF). Particular emphasis has been placed upon measures to promote the deinstitutionalization of children and their integration into family settings, including the reunification of children with their families and through fostering arrangements.

4. Coinciding with IYF activities in 1994, the NCFC was established, and the Family Services Division (FSD) created within the Department of Human Development (DHD), Ministry of Human Resources, Women's Affairs & Youth Development (MHR). These reforms have enabled a detailed external review of provisions for children in care (especially in fostering, adoption, and in institutions), the development of clearer procedures in fostering, specific reforms to juvenile institutions and the associated development of community-based rehabilitation services for young people, and the formulation of proposed reforms to the legislation governing adoption, specifically to improve compliance with the Convention. Procedures governing standards of care in all institutions and facilities for children are also in the process of being formulated.

5. The social sector ministries are the primary government agencies responsible for ensuring implementation of the Convention, and of matters pertaining to the care and protection of children. Within the Department of Human Development, FSD has responsibility for child care and protection, including the coordination of fostering and adoption arrangements and of children's and juvenile institutions. These are responsibilities which are governed by legislation, as cited in other sections of this report.

6. The full impact of recent reforms are not able to be reflected in this report, but signal good progress towards the next review of compliance. This process should be amply reinforced and strengthened by the commitment to pursue a reform agenda as outlined in chapter I in responding to the opportunities identified in the preparation of this report.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to implement the Convention's provisions (art. 4)

1. Measures to harmonize national law and policy with the provisions of the Convention

7. Whilst there have been a number of policy and administrative measures taken to improve compliance with the provisions of the Convention, such as concerning the operation of institutions and of fostering arrangements, there have not been any specific legislative changes undertaken. Reforms have included changes to national policy and administrative coordination and advisory machinery, as described in section I.B, and there are proposals for legislative reform (such as concerning adoption) presently being examined.

8. By way of introduction to the laws of Belize, it is noted that the Belize Constitution Act (Cap. 4) came into effect in 1981. The Ordinances and Acts of Belize which were passed since the Revised Edition of 1958 were revised in 1983. The Laws and the Constitution address many of the provisions of the Convention on the Rights of the Child. Prior to the Law Revision of 1959, Belize included in its laws provisions to protect the rights of the child. As is described herein there has been increasing effort to legislate in favour of the child or young person. Examples referred to include the Children Born out of Wedlock Act (Cap. 137), the Domestic Violence Act No. 28 of 1992 and the Family Courts Act (Cap. 83A).

9. Belize's laws and policies are considered in most cases to be in harmony with the Convention, although national attention needs to be directed to the potential merit of single enabling legislation with respect to the treatment of the care and protection, and definition and guarantee of the rights, of children in Belize. To this end, Belize has, in 1995, taken steps toward the drafting of such a comprehensive Act.

10. In this regard, it is important to note the lack of trained personnel and support services. This requires additional funding and, like any developing nation, Belize has difficulties in fully financing all of its needs in this respect. This has to some extent been overcome by grants from international agencies and foreign Governments in the past. However, Belize is cognizant of the fact that it needs to become increasingly self-reliant in financing its efforts in the harmonizing of its laws, policies and programmes with the Convention. The drafting of a comprehensive Children's Act should be a priority in maximizing such compliance with the Convention.

2. National or local mechanisms for coordinating policies and for monitoring the Convention

11. In the early 1990s, Government undertook the drafting of a National Plan of Action for Children, which subsequently became a National Plan of Action for Human Development, consistent with the regional initiative of Central

never been formally adopted. Such developmental work has more recently been incorporated into broader national development plans, and greater attention directed to ensuring appropriate and effective coordinating machinery with respect to children and families.

12. A National Consultative Committee on Children (NCCC) was established in 1992. One of its primary responsibilities was to promote implementation of the Convention. In March 1994, coinciding with IYF, the NCCC was replaced by the National Council for Families and Children (NCFC), which has an expanded mandate, including:

(a) Promoting the implementation of the Convention and advocating for government to meet its obligations as a signatory to it;

(b) Promoting the year 2000 goals agreed to by Belize at the World Summit for Children, and monitoring progress towards achievement of those goals;

(c) Promoting improved coordination, planning and implementation of efforts on behalf of families and children by Government, non-governmental organizations (NGOs), churches and service clubs;

(d) Advocating for the adoption and implementation of positive policies for families and children, and the allocation of public, private and external resources to the social sector;

(e) Supporting the collation, circulation and discussion of accurate information on the situation of families and children; and

(f) Coordinating the promotion of the annual Children's Day as a major opportunity to focus on the rights and participation of children.

13. The NCFC comprises government and non-government representation, and is chaired by a cabinet minister and serviced by a secretariat. This is significant, because the lack of direct links with the relevant minister, lack of direct access to cabinet, and lack of effective implementation of decisions taken, had been identified as limitations of the NCCC in the past.

14. As noted in the Introduction, MHR - and, in particular, its DHD - has primary government responsibility for the care, protection and development of children in Belize. As described in the Government's annual Estimates and Review of Expenditure (1995/96), the Ministry's objectives are, inter alia, to:

(a) Improve the quality of life of all Belizeans, with special emphasis on the marginalized, and to empower them by fostering self-reliance and building up their self-esteem;

(b) Provide effective social and community programmes to satisfy the material, social and cultural needs of the Belizean people;

(c) To initiate and review policy affecting all the activities of the Ministry and its related department and agencies;

(d) Generally supervise departments and agencies of the Ministry with regard to the execution of approved policies and projects:

Human Development, including Children, Community Development, Village Councils, Juveniles, Listowel Boys' Training School, Probation, Public Assistance, Social Development and Disabled Persons

Youth Development

Women's Affairs

Rural and Urban Development

Immigration and Nationality (until mid-1995), and Patriotism;

(e) Exercise budgetary control over funds voted by the National Assembly;

(f) Encourage the development and rationalization of the NGO sector and its collaboration among itself and with the Ministry;

(g) Support and stimulate income-generating community projects for the socially disadvantaged; and

(h) Advocate social legislation to improve the living conditions, rights and status of the socially disadvantaged.

15. With particular respect to DHD, legislative responsibilities include the following Acts:

Social Service Agencies Act (Cap. 35A)
Juvenile Offenders Act (Cap. 94)
Probation of Offenders Act (Cap. 98)
Certified Institutions (Children's Reformation) Act (Cap. 243)

B. Measures to promote public awareness of the Convention

1. Measures to promote the principles and provisions of the Convention (art. 42)

16. Since the International Year of the Child, Belize has made regular and continuous use of radio programmes for public education and awareness of children's issues. Each year, Children's Day activities have been organized. These have included poetry and essay contests, children being given the opportunity to voice their opinions on matters contained in the Convention, the interviewing of children on the media (radio and TV), educational trips, art competitions and church services. NGOs have been centrally involved in the organization and conduct of such activities. The NCCC and, subsequently, NCFC, have made use of the media and this has included an emphasis on activities which promote the participation of children.

17. In general, there has been collaborative effort between government agencies and NGOs to promote children's rights, including using a social marketing strategy via the media and schools. Largely through the direct intervention or active assistance of UNICEF, there has also been a reasonable degree of dissemination of copies of the Convention within Belize.

18. The NCFC with the support of UNICEF has now obtained the services of a staff person, whose main responsibility is to promote additional efforts to educate schools and the public in relation to the Convention.

2. Measures to publicly circulate the report (art. 44, para. 6)

19. It is anticipated that this report (as endorsed and adopted by cabinet) will provide a sound means by which the FSD and the NCFC may systematically and strategically address those matters highlighted as requiring further attention to enable Belize to more fully comply with its obligations under the Convention. To this end, wide public circulation of this report and of a simplified summary, in popular language, of its main observations and opportunities for further action, will be undertaken to facilitate public awareness of these issues and to promote public dialogue of, and input to, priority-setting and of a national reform agenda.

20. It is also proposed that action be taken to ensure that all sections of the Government document and submit to the NCFC measures being and expected to be taken to demonstrate compliance with the provisions of the Convention.

C. Concluding comments

21. The Constitution and laws of Belize generally ensure a fair degree of compliance with the articles of the Convention. This is an observation which the following chapters will demonstrate. Nevertheless, there are several areas, with respect to this chapter, where action needs to be taken to improve that compliance.

22. Firstly, and most importantly to the entire Convention, is that Government - through the NCFC in coordination with the Ministry of Human Resources - continues to give urgent attention to the drafting and adoption of legislation which would give comprehensive effect to the broad care and protection of children, and to the definition, guarantee and promotion of children's rights. Government has now commenced this process, which aims to bring the laws of Belize up to the standards of the Convention, and to provide a single ordinance for families and children.

23. Secondly, reference has been made to the intention to circulate this report widely, together with main observations and opportunities for further action. This must be ensured in order to promote public consultation on action priorities to give better effect to the Convention.

24. Thirdly, individual government ministries need to document their own efforts to comply with the Convention, and these should also be publicly disseminated. At the same time, the Government will need to adopt measures to promote compliance by those ministries with the articles of the Convention.

II. DEFINITION OF THE CHILD (art. 1)

A. Definition of the child under the law

25. The Infants Act (Cap. 138) specifies that "every person under the age of eighteen years is an infant" (S. 3). This is the definition applied to most laws relevant to children, unless otherwise specified. This means that, in general, a child is defined as being under the age of 18 years, and any exceptions to that prescribe a younger (not older) age.

26. This age definition is reflected in the Marriage Act (Cap. 140, S. 2) and the Adoption of Children Act (Cap. 135, S. 2), amongst others. Consistent with article 1, some laws specifically provide for earlier attainment of majority. For example, the Summary Jurisdiction (Procedure) Act (Cap. 100, S. 2) defines an "adult" as anyone aged 16 years or over, a "child" as anyone under 14 years of age, and a "young person" as anyone between the ages of 14 and 16 years inclusive. The Factories Act (Cap. 233, S. 2) defines a "young person" as anyone between the ages of 14 and 17 years inclusive. The Juvenile Offenders Act (S. 2) defines a "child" as anyone under the age of 14 years.

27. There is some scope within some Acts for the courts to exercise judgement in determining a child's age. For example, the Juvenile Offenders Act provides that "where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, that person shall for the purposes of this Ordinance be deemed not to be a child or young person" (S. 19 (2)). There are similar discretionary powers granted to the courts in other Acts.

B. Legal minimum ages

28. The legal minimum age for:

(a) Legal or medical counselling without parental consent is 18 years;

(b) The end of compulsory education is 14 years (Education Act, Cap. 29, S. 34);

(c) Part-time employment is 12 years (Labour Act, Cap. 234, S. 169 (a));

(d) Full-time employment is 14 years (Labour Act, S. 54 (2));

(e) Hazardous employment is 14 years (Labour Act, S. 169 (g));

(f) Sexual consent in respect of criminal matters is at age 16 for unmarried females and age 14 for married females. This is implied by the Criminal Code (Cap. 84) and the Marriage Act. The Criminal Code states (S. 46 (2) (a)) that every person who unlawfully and carnally knows any girl who is of or above the age of 14 years but under the age of 16 years shall be guilty of a misdemeanour;

(g) A person to legally marry is 14 years. The Marriage Act states that the marriage of anyone under 14 years of age is void (S. 4 (1)), and that parental consent is required for the marriage of any person aged 14 years but less than 18 years (S. 5 (1));

(h) Voluntary enlistment into the armed forces is 18 years. The Defence Act (Cap. 106, S. 16 (2)) states that no person under 18 years of age may be recruited into the armed service;

(i) Conscription into the armed forces is not prescribed in the Defence Act, but is at the Governor General's determination (S. 164 (2)(i));

(j) Voluntarily giving testimony in court is any age unless prevented by extreme youth;

(k) Criminal liability is 7 years. A person under 18 years of age is liable to fines or imprisonment if convicted under the Representation of the People Act (Cap. 9, S. 27 (b)) (this concerns false claims in registration as an elector). The Criminal Code exempts a child under 7 years of age from criminal liability (S. 24 (1)). A child between the ages of 7 and 12 years inclusive who is not mature enough to judge the nature and consequence of his actions is also exempted (S. 24 (2)). The Summary Jurisdiction (Procedure) Act (S. 70 (5)) states that anyone between the age of 16 and 18 years inclusive who is fined may be placed under supervision until the fine is paid;

(l) Deprivation of liberty is 7 years of age according to the Criminal Code (S. 24);

(m) Being committed to prison is at age 16 years and over, although a young person aged 14 but less than 16 years may be imprisoned if no suitable alternative exists (such as probation or a certified institution) but is not allowed to associate with adult prisoners (Juvenile Offenders Act, S. 11);

(n) Consumption of alcohol is at 18 years of age (but only with respect to consumption on licensed premises) (Intoxicating Liquor Licensing Act, Cap. 117, S. 41).

C. Age of attainment of majority

29. Consistent with the interpretation of a "child" in the Infants Act (S. 3), the Interpretation Act (Cap. 1, S. 3 (1)) defines an "adult" as anyone who has attained the age of 18 years. Similarly, the Representation of the People Act (S. 7 (a)) prescribes 18 years as the age at which a person is qualified to register and to vote in general elections. Again, there is some provision for definition at an earlier age, such as the Summary Jurisdiction (Procedure) Act (S. 2) which defines an adult as any person of or over 16 years of age.

D. Concluding comment

30. The Constitution and laws of Belize provide for strong compliance with article 1. In several instances it may be deemed necessary to amend legislation to remove some apparent discrepancies regarding definitions,

especially of different ages applicable to "infant", "child", "young person" and "adult". However, such differences may be more confusing than problematic given the clear intent and purpose of different age limits according to different laws.

31. Nevertheless, there appears to be a need to review the laws to improve standardization of ages of majority, and of the associated definitions used. Specific instances where improved standardization may be required of age levels (and of gender equity in legal provisions) are referred to in later chapters. However, it is considered that a thorough review is required. Most importantly in terms of the intent of article 1, the only exceptions to defining a child as being under 18 years of age are some laws which define the legal minimum ages in certain circumstances as less than 18 years of age.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

32. The Belize Constitution guarantees non-discrimination in accordance with article 2.

33. The Belize Constitution was established by virtue of the Belize Constitution Act No. 14 of 1981, and came into effect at that time, coinciding with Belize gaining its independence as a member of the British Commonwealth. Section 3 of the Constitution provides that it is the "supreme law" of Belize and that all other laws are void to the extent of their inconsistency with it.

34. Chapter II of the Constitution prescribes what are the fundamental rights and freedoms enjoyed by every person in Belize, regardless of race, place of origin, political opinions, colour, creed or sex, subject only to respect for the rights and freedoms of others and for the public interest. These fundamental rights and freedoms are:

The right to life
The right to personal liberty
The right to protection of law without discrimination
The right to protection from inhuman treatment
The right to protection from slavery and forced labour
The right to protection against arbitrary search or entry
The right to freedom of movement
The right to freedom of conscience
The right to freedom of expression
The right to freedom of assembly
The right to privacy
The right to work
The right to freedom from discrimination
The right to protection from deprivation of property.

35. There are special provisions for periods of public emergency where the individual may not challenge any action reasonably justifiable in the circumstances, as being in contravention of these "fundamental rights provisions". Otherwise, the Constitution provides the right and the mechanism for persons to challenge laws or acts as being in violation of their

fundamental rights. In addition to these exceptions, there are limitations on the operation of certain of the provisions where, under the law, restrictions are required, for example, in the interests of defence, public safety, order, morality or health, or to protect the rights and freedoms of others, for regulating the institutions which would be affected by the enjoyment of particular rights, and for the imposition of regulations in respect of non-Belizeans in some cases (such as the necessity to acquire a work permit or a permit to reside in Belize).

36. Chapter II of the Belize Constitution ("Protection of Fundamental Rights and Freedoms") provides, in its opening section, as follows:

> "Whereas every person in Belize is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:
>
> - life, liberty, security of person, and the protection of the law;
>
> - freedom of conscience, of expression and of assembly and association;
>
> - protection for his family life, his personal privacy, the privacy of his home and other property and recognition of his human dignity; and
>
> - protection from arbitrary deprivation of property, ...".

37. Further, Section 6 (1) of the Constitution states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law". Section 16 provides that "no law shall make any provision that is discriminatory either of itself or in its effect" (subsect. (1)) and that "no person shall be treated in a discriminatory manner by any person or authority" (subsect. (2)). "Discriminatory" is defined as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed ..." (subsect. (3)).

38. In general, there is no reference to age, or of the child, in the definition of discrimination, or in the overall coverage of chapter II. However, the Interpretation Act (Cap. 1, S. 3 (1)) ensures that the child is included within the definition of a person, as per the Constitution's extension of rights and freedoms to all persons. In several instances in chapter II, rights are conditional upon the granting of informed consent (such as the right to search of body or residence, or to receive religious instruction in school) and, as children are not deemed able to grant such consent, this is a right conditional upon parental consent.

39. The Status of Children Act (Cap. 143, S. 3) guarantees that all children are of equal status in the application of the laws of Belize, regardless of the marital status of the child's parents, whether at conception, birth or any other time.

B. Best interests of the child (art. 3)

1. Legislative provision for the child's best interests

40. Parental responsibility for the child's maintenance is provided for in the Family Maintenance Act (Cap. 136, Ss. 2 and 3). Various laws provide for the child's best interests, including the child's protection and care, as a major consideration in actions directly affecting their welfare, including:

(a) The Children Born Out of Wedlock Act (S. 25) provides that, before granting an application by a putative father for access to or legal custody of his child, the court shall be satisfied that the order, if made, will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child, having regard to his or her age and understanding. The court may in its discretion make an interim order granting custody for any period it thinks fit, during which period the court may impose such terms and conditions it thinks necessary for the welfare of the child;

(b) The Infants Act (S. 24) states in part that, where in any proceedings before any court the custody, upbringing or administration of assets, of an infant is in question, "the court, in deciding that question, shall regard the welfare of the infant as the first and paramount consideration", with no consideration to be given to the respective or comparative claims of either or both of the parents. It should be noted that this provision places the child's interests as the, rather than a (as per this article), primary consideration;

(c) The Adoption of Children Act (S. 6 (b)) states that the court, before making an adoption order, shall be satisfied "that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant";

(d) The Domestic Violence Act No. 28 of 1992 allows for an application for a protection order to be made on behalf of a "child". In that Act "child" includes, inter alia: the child of both parties to a marriage; an adopted child; a stepchild (see Ss. 2, 3, 4 and 13).

41. The adequacy of the laws is not necessarily a guarantee of the adequacy of their judicial or administrative application. A current review of the Adoption of Children Act, for example, has highlighted the need for reforms to both the law itself and to administrative procedures to better ensure observation of its provisions. Similarly, there have been difficulties in ensuring that victims of domestic violence make use of that Act's provisions, such that it is clear that improved public awareness of the rights afforded by that Act are more widely understood and utilized.

2. Standards of facilities for the care and protection of children

42. Primary responsibility for ensuring the standards of children's institutions and agencies is vested in the Minister of Human Resources, Women's Affairs and Youth Development under the provisions of the Social Service Agencies Act. The Minister is required to designate a public officer as the Registrar of Social Service Agencies to administer the provisions of that Act including the registration, licensing and regulation of all such premises (defined as "Homes for Children, Old Peoples' Homes and similar institutions whether fee levying or not set apart for the care of children, old persons or the handicapped as the case may be") (S. 2).

43. The Minister is responsible for prescribing the minimum standards of licensed facilities "with regard to health, safety, accommodation, service facilities and board", whether the institution is maintained by Government or by a private agency or person (S. 13 (1)). Failure to comply with the Act may result in prosecution of an individual, or suspension or cancellation of the operating licence. There is provision for any aggrieved person to appeal to the Minister with respect to any decision by the Registrar to not register a facility, to not renew a licence, or to cancel or suspend a licence.

44. Whilst the Act is considered quite adequate in respect of article 3 (3), there is an urgent need for the Minister to give full effect to its provisions. Pending formal designation as the Registrar, the Director, Department of Human Development has, in 1995, commenced to develop the necessary guidelines and procedures to enable implementation of this Act.

45. Under the Certified Institutions (Children's Reformation) Act, the Minister is similarly empowered to certify, if satisfied with the institution's conditions (S. 4), or to withdraw the certification of (S. 5 (1)), any "home, school or other place ... the management of which has agreed to accept the custody and care of children sent to such home, school or other place under a detention order issued under this Act" (S. 2).

C. The right to life, survival and development (art. 6)

46. The right to life is a fundamental right provided for in the Constitution (chap. II, sect. 4), except for death resulting from a court sentence for a criminal offence, or from the legal and justifiable use of force, or from a lawful act of war. This right to life is further protected by the provisions of the Criminal Code, which makes unlawful, inter alia:

(a) The murder of any person (S. 102);

(b) Infanticide, where a woman wilfully causes the death of a child under 12 months (by reason of post-partum depression (S. 107) or of a post-partum disease or disorder (S. 116 (d)); S. 124 further defines the child in such circumstances, and the Indictable Procedure Act (Cap. 93, S. 132) distinguishes between murder and infanticide);

(c) Abortion, or causing miscarriage by poison or instrument, or otherwise causing death to an unborn child (S. 108);

(d) Abandonment of a child in a manner which may expose it to grievous harm (S. 88); and

(e) The intentional and unlawful causing of harm to a child during its birth (S. 111).

47. With respect to crimes punishable by death, the Indictable Procedures Act states that a person under 18 years of age at the time of committing such a capital offence, for which they are duly convicted, shall be subject neither to the death penalty nor to having that penalty recorded against them (S. 151 (2)).

48. Measures to ensure survival and development are embodied in the Criminal Code (S. 96), which makes it a duty for a parent, guardian, or contracted carer "to supply the necessaries of health and life" to another person. This specifically includes children. Parental responsibility for the maintenance of children is also ensured in the Family Maintenance Act (Ss. 2 and 3).

D. Respect for the views of the child (art. 12)

49. The Constitution guarantees freedom of expression at section 12. However, this is a right whose enjoyment is not to be "hindered" "except with his own consent". As with several of the constitutional rights and freedoms, a child is considered not able to grant his or her own informed consent, this being the responsibility of the child's parent or guardian.

50. The Adoption of Children Act (S. 6 (b)) provides that, before making an adoption order, the court give due consideration "to the wishes of the infant, having regard to the age and understanding of the infant".

E. Concluding comment

51. The main provisions to guarantee and respect basic rights are contained in chapter II of the Constitution. With respect to disability, the Governor General, in his speech to the opening of the National Assembly in September 1994, foreshadowed the introduction of a Disability Act which would, presumably, include reference to prohibiting discrimination on the grounds of disability. It is necessary that the draft bill include specific reference to the rights and needs of children with a disability.

52. The Constitution and laws are deemed to afford adequate compliance with articles 3 and 6. However, as has been noted, there is a need to give special attention to the effective implementation of the provisions of the Social Service Agencies Act, to ensure the necessary standards of care and safety of children in institutions and facilities (art. 3 (3)). This Act came into effect in 1983, but needs to be implemented. This should include the urgent appointment of a Registrar, as per S. 3 (1). Again, there is also a need for specific and comprehensive legislation for children which would enforce the goals of the Convention and enable better provision for ensuring the well-being and development of the child (art. 6 (2)).

53. Whilst paragraphs 40-41 describe several laws in which the child's best interest is taken into account, in the area of institutionalization this is a matter which needs closer attention. For example, the Certified Institutions (Children's Reformation) Act makes no reference to ensuring that the welfare of the child is of paramount concern. It is also noted that, at present,

parents have the capacity to send a child under the age of 16 years, who they are unable to control and with the court's approval, to an institution (S. 16). This needs review firstly to ensure that such an action is essentially in the best interests of the welfare of the child and secondly, to safeguard this provision from abuse, to provide for such parental action to be accompanied by an order for the parent to financially support the child's upkeep during this period, at the court's discretion. Provision for the latter would presumably require the parent paying such funds into the Consolidated Revenue Fund, consistent with the Juvenile Offenders Act (S. 18), which provides that the costs of such institutional care be met from that Fund.

54. Furthermore, review of this Act is needed to consider amendment to the provisions as to the duration of institutionalization. In fact, the Act specifies that detention orders not specify the duration (S. 18 (2)). This may be in the child's interests if there is a rehabilitative programme in place and "early" discharge is subsequently considered warranted. However, this may be better achieved by setting maximum periods of detention - or else the establishment of some review board - and requiring the existence of a rehabilitation programme. At present, a child may be institutionalized until the age of 18 years. In the case of a child under the age of 16 whom the Minister decides to remove from imprisonment and place in an institution, this may even mean that the period of detention may well be lengthened (S. 17).

55. With respect to article 12, and similar to concerns about a number of related provisions, it is noted that the guarantee of freedoms and rights under the Constitution is conditional upon parental consent. Whilst this is considered a reasonable provision, it is necessary to examine judicial and administrative applications, to consider ways in which there may be improved efforts to foster the capacity for informed consent by children who are of sufficient age and maturity. This would be a valuable means of encouraging the facility for informed consent as such persons enter adulthood and thus have those full consensual rights. Also, reference was made to the provision in the Adoption of Children Act for giving consideration to the child's wishes. There may be merit in reviewing other laws to determine whether there is an opportunity to extend this provision.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

56. The Registration of Births and Deaths Act (Cap. 122) requires the registration of births within 42 days of the birth of a child (S. 10), in default of which the registrar may summons a parent to provide such information, within 12 months of that birth (S. 12, and, in respect of registering the child's name, S. 19). That Act also provides for the name of the father to be registered, unless the parents were not married at the time, in which case provision is made in instances where both the mother and the person acknowledging himself to be the father request and both agree to his name being registered as the father, and formally declare to that effect (S. 13). Section 16 requires that any person finding a living newborn child shall immediately inform the registrar and police.

57. The main laws which deal with name and nationality are the Belize Constitution Act and the Nationality Act No. 1 of 1981. Chapter III of the Constitution guarantees citizenship, at the time of birth, for every person born in Belize, except in the case of either parent being a citizen of a country with which Belize is at war and the birth occurs in a place under occupation by that country, or in the case of neither parent being a citizen of Belize and either parent having immunity from suit and legal process as accorded to the envoy of a foreign State power accredited to Belize (S. 24). The Belize Constitution, chapter III, along with the Aliens (Registration) Act (Cap. 125), give some assurance that children born in Belize of parents who may be illegally in Belize are not left stateless and will be registered as Belizean citizens.

B. Preservation of identity (art. 8)

58. The guarantees and undertakings set down in the Constitution (especially chap. III), the Registration of Births and Deaths Act and the Status of Children Act are irrevocable with respect to the child's identity. Other provisions and guarantees are contained in the Supreme Court of Judicature Act (Cap. 82, S. 149 (declaration of legitimacy)), the Deportation (British Subjects) Act (Cap. 107, S. 2 (2) (Belizean citizenship, including of adopted children)), the Immigration Act (Cap. 121, S. 2 (3) (Belizean citizenship, including of dependants)), the Legitimacy Act (Cap. 139 (legitimates child when parents marry, including entitlement to parent's estate)), and the Administration of Estates Act (Cap. 160, Ss. 47 and 55 (trustee management of infant's interest in parent's estate)).

59. In view of the large number of Central American immigrants in Belize as illegal aliens, some attention is warranted to the children of such families. The Aliens Act (Cap. 124) provides for the expulsion and banishment of aliens from Belize. Grounds may include "that it is expedient for the welfare of Belize" (S. 2 (1)(c)), and there is no reference to the person's age, or to any special provisions for or protection of children. The Aliens (Registration) Act (Cap. 125) defines an alien as "a person who is neither a citizen of Belize nor a Commonwealth citizen", and governs the registration and movement of aliens in Belize. It exempts from its provisions persons under the age of 16 years (S. 4 (1)) and "students over the age of 16 years attending any school within the country recognized by the Department of Education" (S. 12, Third Schedule).

C. Freedom of expression (art. 13)

60. This topic has been discussed at chapter III.C and is provided for in the Constitution (chap. II, S. 12). This includes restrictions, as per subsection 2, whereby freedom of expression is guaranteed with "reasonable provision ... in the interests of defence, public safety, public order, public morality or public health; ... (or) for the purpose of protecting the reputations, rights and freedoms of other persons ..." (S. 12 (2)), as well as the constitutional provisions for parental consent to apply in the child's normal enjoyment of such freedom.

61. In addition, efforts to promote the child's expression of views and opinions were discussed at chapter I.B, including with reference to annual Children's Day activities.

D. Access to appropriate information (art. 17)

62. There is no specific legislation charging the mass media to cater to children. However, the Government of Belize has encouraged the development of the mass media and the Belize Broadcasting Authority is empowered to monitor media programming and investigate complaints from the public. The Summary Jurisdiction (Offences) Act (Cap. 99) makes it a crime for any person to exhibit indecent material in public (S. 4 (x)) or to trade in, distribute or exhibit indecent material, including movies (S. 19).

63. It is considered that, whilst the wording of the Act may not have anticipated the entry of cable television, such a medium is clearly covered by this provision. Many cable broadcasts are widely considered to contravene national standards of decency, especially given their ready access to children, and this issue warrants legal examination as to whether there is contravention of the Act.

64. There is a multimedia approach to promoting children's rights and services, and to disseminating information to children and families. Media coverage is given to children-specific events, and reference was made at chapter I.B. to the range of special and annual activities organized since the International Year of the Child, especially coinciding with Children's Day, and including significant attention to the role of the media. There has been an increase in reporting and media programming in various ethnic languages, including Mayan and Garifuna radio broadcasts, and a recent project to develop increased awareness and understanding of printed Creole.

65. The Government operates a public library service, which includes childrens libraries in every district. The small but growing body of indigenous literature includes some children's and culturally based fiction and history, and is normally promoted within the school curriculum as well as commercially.

E. Freedom of thought, conscience and religion (art. 14)

66. This right is assured under the Belize Constitution (chap. II), and guarantees that "except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, ... and ... to manifest and propagate his religion or belief ..." (S. 11 (1)). As with other fundamental freedoms, this right is subject to the same limitations as are mentioned at chapter IV.C and consistent with subarticle 3.

67. For persons under the age of 18 years, this right is conditional upon the consent of the child's parent or guardian, with respect to receiving religious instruction or attending any religious ceremony or observance in any school, prison, corrective institution or defence service that the child may be attending or detained in.

F. Freedom of association and of peaceful assembly (art. 15)

68. The Belize Constitution, at chapter II, guarantees that "except with his own consent, a person shall not be hindered in the enjoyment of his freedom of assembly and association ..." (S. 13 (1)), along with the same limitations mentioned at chapter IV.C and consistent with subarticle 2. It may be necessary to examine the application of article 15 in the context of the rights of young people to associate in public in urban areas, versus strong public concern about so-called youth "gangs" and perceived risks to public order and safety. The lack of recreational spaces and meeting places may currently result in restrictions on this right. The progress made in 1995 in addressing the anti-social and illegal consequences of the urban youth gang culture needs to be especially acknowledged. Since that time, there has been no gang-on-gang violence and there is evidence of reductions in juvenile crime and detention, and of corresponding success in providing short-term jobs, vocational training, counselling services, organized recreational activities and community service with former gang members, plus the continuation of the "truce" signed between the 14 urban youth gangs in February 1995.

G. Protection of privacy (art. 16)

69. The Belize Constitution, at chapter II, guarantees protection of the right to privacy for all persons as per subarticle 1 (S. 14 (1)), consistent with the reasonable provisions and limitations pertaining to other freedoms. As raised at chapter III.E, the child's enjoyment of this fundamental right is conditional upon parental consent.

70. Insofar as subarticle 2 is concerned, there appear to be no specific laws related to protection from interference with privacy or from attacks on reputation, nor, at any rate, any specific laws granting special protection to children in this regard.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

71. The Belize Constitution Act states that "no person shall be subjected to torture or to inhuman or degrading punishment or other treatment" (S. 7). Section 8 states that no person shall be held in slavery or servitude, thus granting protection from slavery and forced labour. As stated at chapter III.C, the Indictable Procedure Act (S. 151 (2)) exempts a person under the age of 18 years at the time of committing a crime punishable by death, from a sentence of death.

72. Reference should also be made to V.I, especially with respect to comments concerning corporal punishment, and to chapter VIII, with respect to other measures to protect the child from different forms of maltreatment.

I. Concluding comment

73. The civil rights and freedom of children are, generally, well guaranteed and provided for in Belizean law. However, in general terms, and as commented upon at III.A and E, it is noted that those constitutional rights and freedoms are conditional upon parental consent.

74. With respect to article 7, it is considered that provisions for the registering of the father's name are adequate. Whilst this may place an undue burden on the child born out of wedlock, it also serves as a safeguard against false allegations of paternity, since paternity carries concomitant responsibilities under the law.

75. However, there are four possible areas for review with respect to the Registration of Births and Deaths Act. Firstly, there seems to be merit in removing the provision whereby the father has no responsibility for registration of the child's birth if he was not married to the mother at the time of conception or birth (S. 10). Both parents ought to have responsibility for registration of the child's birth, regardless of marital status (subject to the necessary safeguards from false allegations of paternity). Secondly, there is no specification of who has the right or duty to register a child found abandoned or orphaned, apart from the requirement that someone finding an abandoned newborn child should inform the police and registrar (S. 16). The need for a de facto guardian or child-care authority to register the birth in the absence of the parents is presently handled by DHD, usually following advice from the police. The child is, in such circumstances, registered as a ward of State. Thirdly, the father of a child born out of wedlock should be guaranteed the right to have his name entered on the child's birth certificate once paternity has been proven. This provision would be necessary, for example, where the mother unreasonably refuses to permit the child's father's name to be so registered. At present, the father's name may only be registered where both the mother and "the person acknowledging himself to be the father" consent to that entry, where the father has assumed guardianship under a divorce or separation agreement, or once there has been a declaration of paternity made by the Supreme Court (S. 14 (b)). Fourthly, in view of transport difficulties in some remote parts of Belize, a four-month period may be preferable to the present 42 days for registration of the child's birth and name. The matter of whether the Act should be so amended (S. 10), or the present provision for a 12-month default period (Ss. 12 and 19) adequately covers such a contingency should be examined.

76. One area where the identity of the child (art. 8) may need attention, is with respect to the status of alien children. Children appear to be covered in the Aliens Act only by virtue of being the dependents of aliens (S. 7). In this context, children are evidently subject to the provisions for expulsion or banishment. Whilst this may be considered consistent with a primary objective of family unity in the child's best interest, there may need to be scope in the Act for special protection of or provisions for such children in particular circumstances in which they may be deemed especially vulnerable. With respect to the Aliens (Registration) Act, attention is required as to the

status of children aged 16 years or over and, again, of the need to incorporate any special provisions to ensure that alien children are guaranteed the necessary degree of care and protection required under the terms of the Convention.

77. With respect to the freedoms of expression (art. 13), of association and assembly (art. 15), and of privacy (art. 16), the conditional nature of such freedoms for children, depending as they do on parental consent, is considered to require that steps be taken to promote mechanisms whereby children may better develop such capacities. This also means that children of a certain age and maturity ought to be provided opportunities which will better equip them in their own subsequent enjoyment of the exercise of informed consent as adults. Especially with respect to article 13, the Ministry of Education's support for student councils is noted, and consultation with young people within school administration and policy-setting is being further addressed by the Ministry's encouragement of the inclusion of student representation in the formation of school boards. It may be possible to further encourage such opportunities within the scope of comprehensive children's legislation.

78. Comment has been made about the early stages of the Government's 1995 initiative with Belize City urban youth gang members, via the Conscious Youth Development Council (CYDC). This may help to address some of the impediments which young people may often feel limit their right to free and peaceful assembly under article 15. This aspect will certainly require greater attention, especially as this initiative is evaluated and developed further.

79. Aspects of article 17 which may warrant further attention are subarticles (b) - in promoting greater international cooperation (although this presently occurs to an extent) - and (d) - in improving the mass media's awareness of the linguistic needs of minority or indigenous children. This latter aspect is especially important given that, whilst English is the official language, only a small minority speak it as the first language in the home. Consideration of means to develop improved media awareness of the needs of children should take into account the multicultural nature of Belize's population, the existence of several languages in popular use, and the existence in Belize of culturally important indigenous Mayan populations.

80. A particular area of concern with respect to article 17 - and one not confined to Belize - is the need to examine the unrestricted access which too many children have to what many parents would consider obscene material broadcast on cable television. Such obscene material would include gratuitous and graphic portrayals of violence and pornography, and obscene language. This was, in fact, a concern which Belize especially introduced into the final wording of the Declaration and Programme of Action adopted at the World Summit for Social Development in Copenhagen in March 1995. It is quite clearly a matter of great concern for many developing nations now inundated with scores of North American cable stations, and the attendant portrayal of values, lifestyles and behaviours considered unacceptable to the majority, but readily emulated by many of the young people too freely exposed to those images.

81. In this regard, attention is drawn to the provisions of the Summary Jurisdiction (Offences) Act (S. 19), and of the potential merit of examining its capacity to address strong community concern about the absence of domestic

regulation of cable TV broadcasts which may be deemed to be in contravention of that Act. The adequacy of the Act should be considered, as should whether domestic solutions need to be adopted or, alternatively, a legal test case pursued, presumably by the Belize Broadcasting Authority. In doing so, it would seem useful to foster dialogue with other Caribbean English-speaking nations with similar concerns, as a remedy in the form of new procedures for programming or broadcasting would benefit from regional consensus and cooperation.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

82. In Belize, "family" does not necessarily refer only to the nuclear family unit of mother, father and children living together. There are also single parent-headed families, as well as children living with extended families. According to the Central Statistical Office (CSO), 56 per cent of births in Belize are to unmarried women (1993: provisional data), and the 1991 Census reports that 22 per cent of households are headed by women.

83. Culturally, the onus of child-rearing has rested on women, even when the partners are living together. The responsibility of the father in child-rearing has tended to focus on the economic maintenance of the child. This situation is slowly changing, as some fathers assume more equitable domestic and child-rearing responsibilities.

84. Some effort has been taken by non-governmental organizations, churches and schools to provide training and support for parenting, including to redress sex-role stereotyping of prenatal responsibilities. Baby and child-care training is provided in some high schools. Improved coordination of effort is required.

85. Childminder training courses are occasionally conducted by the Ministries of Education and Human Resources, as well as some NGOs. Community health workers are trained through the Ministry of Health's Primary Health Care Unit to provide outreach services in the promotion of parenting skills.

86. The rights and responsibilities of parents and guardians are also incorporated into national law, especially the Family Maintenance Act (Ss. 2 and 3).

B. Parental responsibilities (art. 18, paras. 1 and 2)

87. Presumably reflecting the persistence of gender inequities in economic independence as well as traditional social practices, the laws of Belize ascribe greater responsibility for the upbringing of a child to the father than to the mother. The Criminal Code states that:

> "A man is under a duty to supply the necessaries of health and life to his wife, being actually under his control, and to his legitimate or illegitimate son or daughter, being actually under his control and not being of such age and capacity as to be able to obtain such necessaries" (S. 96 (1))."

88. The Family Maintenance Act states that:

"Every man is hereby required to maintain his own children, and also:

- every child, whether born in wedlock or not, which his wife may have living at the time of her marriage with him; and also

- if he cohabits with any woman every child which such woman may have living at the time of the commencement of such cohabitation; and also

- the children of any child of his, ..." (S. 2).

It further requires every woman to maintain those children, in the event that the woman is a widow or unmarried, or where the father fails to fulfil that obligation, subject to provisions to enable the court to direct the father to do so (S. 3).

89. The Status of Children Act (S. 3 (1)) states that current or previous marital status is irrelevant in determining the relationship between a parent and child, including "the legal consequences of that relationship", which are regarded as being as if the parents were, in fact, married. Section 3 (2) defines that relationship as constituting either the subsequent marriage of the couple, or that paternity is admitted or established. In practice, however, and as set down in other laws (as already discussed), it is the mother who has greater rights with respect to the child where the father is absent, and the father who has greater responsibility with respect to financially supporting the child. Subject to the provisions of that section, the Infants Act (S. 9) grants custody of a child born out of wedlock to the mother, until the child attains 16 years of age, unless the father acknowledges paternity and is granted custody on the basis of the mother's neglect. It is considered that the views of the child ought to be sought - depending upon the child's age and capacity - in such custody hearings.

90. With respect to reference at section IV.D to widespread public - and especially parental - concern at the broadcasting of inappropriate material on cable television, whilst it has already been suggested at section IV.I that there may be opportunity for legal action to challenge such broadcasting, it must also be emphasized that steps need to be taken to foster greater awareness by parents of their responsibilities in this regard. Although there are no specific laws to provide for this, a public education campaign targeted at parents may be more appropriate. In this context, a mixture of action concerning public cable TV programming and domestic self-regulation appears to be warranted.

Government assistance in the care of children

91. With respect to the role of the State in duly assisting parents in their child-rearing responsibilities, this responsibility primarily is vested in the Department of Human Development. Through district offices, family counselling services, emergency financial support and associated assistance is provided on a case-by-case basis. These services have been more recently enhanced by the establishment of the Family Services Division, and the development and

adoption of improved assessment and assistance processes. At the district level, MHR has Youth Development Officers who are responsible for the development and conduct of services and programmes for young people. Also, MHR operates several youth development facilities - especialy the National 4-H Training Centre and the Belize Youth Development Centre (BYDC) - and residential juvenile rehabilitation and development facilities - especially the Princess Royal Youth Hostel (PRYH) in Belize City and rural-based Listowel Boys Training School. BYDC provides annual residential courses in agriculture, personal development and basic trade skills, to young people who primarily come from rural areas and are mostly early school leavers. In 1995, the programme was expanded to better provide for young women. The 4-H Centre offers residential three-month courses in agricultural skills, personal development and entrepreneurship to equal numbers of boys and girls - via alternate intakes - who are usually younger than the BYDC population, and aims to foster improved agricultural skills in local communities.

92. In August 1995, the Government decided to replace Listowel (to which the courts direct young offenders) with a community-based youth probation and rehabilitation service, as part of a commitment to deinstitutionalization and to an improved community-based and family reintegration strategy. This reform was largely prompted by concern at the poor conditions of Listowel's buildings and services, and of reports of unnecessarily cruel disciplinary treatment of boys resident there. All boys were either transferred to PRYH, or to a BYDC training course, or discharged into the care of their families, by August 1995. The Ministry also operates a Child Care Centre in Belize City, which generally accommodates younger children who are abandoned or otherwise in need of special care and protection.

93. During 1994 and 1995, FSD has directed particular attention to the development of improved services and support to foster families, improved assessment procedures in adoption applications, and reforms to institutional care arrangements for children. Even so, there is a need for stronger implementation of revised adoption procedures (refer to comment at subsection G below) and of institutional reform - both in government and non-government facilities (refer to comment at section III.B.2). This especially needs to give attention to the recurrent resource needs of non-governmental facilities and institutions for the care of children, as a necessary means to ensure improved standards of care.

94. Examples of other services and programmes conducted by NGOs and churches include the Youth Enhancement Service (YES) (for young women), Breast is Best (mothers' support group), the National Organization for the Prevention of Child Abuse (NOPCA) (Young Adult Parenting Programmes), YWCA and YMCA, PRIDE (drug awareness), and so forth.

95. Non-government residential institutions for children who are orphaned or abandoned or otherwise in need of special care are Acres of Love Children's Home in Toledo District, Kings Children's Home in Belmopan, and Milhollen Children's Home, Ontario Village in Cayo District. The Government has recently commenced providing limited assistance to these institutions. The standards in such facilities vary significantly, reflecting the need for the Government to give effect to the establishment of standards of care, as per the Social Service Agencies Act 1983.

C. Separation from parents (art. 9)

1. Provisions for separation

96. There are several provisions in Belizean law to separate a child from its parents, in circumstances where the child is considered to be at risk. Under the Criminal Code (S. 60 (4)), a male found guilty of incest against a female aged under 18 years may be divested of all authority and guardianship over that female. Under the Indictable Procedure Act (S. 178), the court has the power to divest a parent or guardian, found guilty of encouraging or allowing a female dependant aged under 13 years to be seduced or prostituted, of all authority over that young female, and to appoint another guardian, until she is 18 years or as the court otherwise directs for her protection. The Juvenile Offenders Act (S. 14 (1)) empowers the court to separate a child from its parents as a consequence of a sentence for unlawful conduct by that child. This separation occurs only after the child has pleaded or been adjudged guilty of the offence alleged by the court, after due process of law and in accordance with the special provisions prescribed by this Act relating to persons aged under 18 years.

97. The Supreme Court also has the power to make orders of custody on the application of either parent in relation to persons aged under 18 years under the Infants Act (Ss. 13 and 14), and the Supreme Court of Judicature Act (S. 152) (on an application for divorce or separation). The Family Court also has jurisdiction to make custody orders under the Married Persons (Protection) Act (Cap. 141) (until the child turns 16 years, on the application of either parent) and the Children Born Out of Wedlock Act (custody order in favour of the father when the mother is found guilty of default or neglect).

98. The Infants Act (S. 24) specifically provides that, in any court proceedings concerned with the custody or upbringing of a person under the age of 18 years, including the administration of their property and income, that person's welfare is "the first and paramount consideration". This provision is deemed to apply to questions concerning the separation of a child from either or both of its parents, and of whether the parent deprived of custody should still have access to the child. Although the other laws mentioned in this section do not have the specific provision, questions of custody and separation are determined after exhaustive inquiry into the circumstances of the case by competent authorities whose decisions may be varied by the court at any time (Ss. 14 and 25).

2. Participation of interested parties in proceedings

99. Applications in the Supreme Court under the Infants Act and the Supreme Court of Judicature Act are conducted in accordance with the normal rules for civil proceedings in that Court. These rules do not generally allow for intervention by third parties and it is usually the decision of the plaintiff/applicant and the defendant/respondent to determine the witnesses to be put forward in support of their case. The judge may not of his or her own accord call witnesses which the parties themselves have elected not to call. There is no specific provision allowing "interested parties" to be heard on applications in the Supreme Court whereby a child may be separated from one or

both parents. However, in practice, and in the best interest of the child the trial judge in his discretion may allow interested parties to participate in the proceedings.

100. Applications in the Family Court are, by law, to be more informal than other court proceedings, are to be conducted with a view to arriving at a settlement of the subject-matter of the proceedings, and the judge has the power to lay down the procedure to be followed in court (although following as far as possible the rules of procedure obtaining in the Magistrates Court). It is therefore conceivable that, in this court, all parties deemed interested parties by the judge would have a chance to be heard in proceedings whereby a child could be separated from one or both parents. There is no prescribed right of interested parties to intervene in such proceedings.

3. Information on location of relatives separated from the child by the State

101. There are no specific provisions in Belize law requiring the Government to provide family members with information concerning the whereabouts of a person separated from his or her family due to government action. This information may be readily obtained by family members, especially in view of Belize's small size and population.

D. Family reunification (art. 10)

102. The Constitution guarantees a person's right to freedom of movement, including "the right to enter Belize and immunity from expulsion from Belize" (S. 10 (1)), subject to the provisions of any law making reasonable provisions, consistent with those contained in article 10 (2) and including restrictions on the freedom of movement of any person who is not a citizen of Belize.

103. However, in general, matters of family reunification are more concerned with executive policy than with the legislative arm of Government. The right to enter Belize is governed by the Immigration Act, with additional provisions set down in the Aliens Act and the Aliens (Registration) Act. There has been a high incidence of migration into Belize from neighbouring Central American countries, especially during the 1980s, as a result of civil unrest and armed conflict in those countries. This is evidenced by the large numbers of documented and undocumented refugees, displaced persons and legal and illegal aliens residing in Belize, estimated by the United Nations High Commission for Refugees (UNHCR) to collectively represent up to 15 per cent of the total population. As such, Belize has demonstrated a sound record in opening itself up to the reasonable humanitarian resettlement of uprooted families, especially on a temporary basis pending the opportunity for voluntary repatriation, and this has extended to a concern for the well-being of the children of those families afflicted by the effects of unrest and conflict.

104. With respect to the reunification of Belizean families, there is a reasonably high incidence of one or more of the parents residing outside of Belize, usually in North America. In some circumstances, the parent may migrate without the necessary documentation. The difficulty for the child in trying to secure a visa to visit the parent, often due to a concern by the

country of destination that the parent has emigrated ostensibly as a means of subsequently relocating the child to North America, creates a problem for the child's efforts to reunite with the parent. In most cases, those children are left in Belize in the care of relatives. The parent may be reluctant to return to Belize in case there is difficulty in returning to the place of residence. This is a difficult matter, especially as the child is so often the innocent victim, and deprived of family reunification.

E. Recovery of maintenance for the child (art. 27, para. 4)

1. Legislative provisions

105. The liability of parents to maintain their children was considered at section V.B. Inherent in this duty is the responsibility to ensure an adequate standard of living. To this end, there are several laws concerned with ensuring economic support for the child (defined as under 18 years unless otherwise specified):

Pensions Act (Cap. 22, Ss. 11 and 12 (3)): provides for maintenance payments to be made from the pension of a retired public officer, where there is such a court order for maintenance to be paid, and when pension payments otherwise cease upon the officer's bankruptcy or imprisonment

Belize City Council Act (Cap. 66, Ss 90 and 92): provides similarly to the Pensions Act, including for instances where the officer has left Belize

Supreme Court of Judicature Act (S. 152): allows for the Supreme Court in matters of divorce to award maintenance payment to a former wife for and on behalf of her children

Summary Jurisdiction (Offences) Act (S. 4 (xxix)): deals with cases where the father neglects to maintain his children, and makes it an offence for a person who "being able wholly or in part to maintain himself or his family by work or other means, wilfully refuses or neglects so to do"

Adoption of Children Act (S. 8 (1)): provides that the person who adopts a child shall vest all rights, duties, obligations and liabilities of the former parents, or guardians, in relation to the future custody, maintenance and education of the adopted child

Family Maintenance Act (Ss 2 and 3): provides that every man, and that every widow and unmarried woman, is hereby required to maintain their own children, and that any order made by a court for neglect can be enforced by the courts

Children Born Out of Wedlock Act: provides for maintenance of children by a putative father

Married Persons (Protection) Act (S. 2): in the case of a judicial separation with the wife, provides for the maintenance by the husband of the children up to the age of 16 years

Status of Children Act (S. 5): provides for recognition of relationship for the purpose of succession to property

Wills Act (Cap. 165, Ss. 35 and 36): provides for child maintenance to be paid periodically from the testator's estate, including the discretion of the court to amend the terms of the will to ensure that such provision is adequate.

The Family Maintenance Act, Children Born Out of Wedlock Act, and the Married Persons (Protection) Act entitle a child to a maximum of 50 dollars weekly child support in accordance with the Family Legislation (Amendment) Act No. 8 of 1994.

106. It should also be noted that the mother has the capacity to take a maintenance application to the Supreme Court. In such instances, the court may award a rate of maintenance substantially more than the Family Court's level of US$ 25 per week per child. The Supreme Court is able to take account of the father's income, to the benefit of the children of higher-income fathers. This may serve to disadvantage the children of middle-income fathers, whose mother may be unable to afford to bring such a case to the Supreme Court, and will therefore have to suffice with the Family Court maintenance rate. As a result, such a child may be denied the capacity to be maintained at a level more consistent with the father's standard of affordability and which they would otherwise receive if the father had remained in the home environment.

2. Enforcement of maintenance orders

107. The enforcement of maintenance orders are set down in the Summary Jurisdiction (Procedure) Act (Part IX). This includes the enforcement in Belize of maintenance orders made in England and Northern Ireland, and the enforcement abroad of maintenance orders made in Belize. The Government is empowered to extend these provisions to any Commonwealth country having reciprocal provisions allowing the enforcement of maintenance orders made in Belize. To date these countries are the Bahamas, Barbados, Grenada, Guyana, Jamaica, the Leeward Islands, and St. Vincent and the Grenadines, New South Wales and the Australian Capital Territory, Guernsey (State and Bailiwick), the State of Jersey and the Isle of Man (as per the Schedule in the Maintenance Orders (Facilities for Enforcement) (Consolidation) Order (Cap. 100 in Subsidiary Laws)). It needs to be noted that these current reciprocal agreements would make only a small direct impact on the enforcement of maintenance orders abroad, as the vast majority of such instances would not be covered, occurring as they do in North America.

108. The provisions of the Summary Jurisdiction (Offences) Act (S. 4 (xxix)) are an attempt to force the person who is to maintain his family to do so under the pain of imprisonment. The order to pay a specific sum is made with a default clause for distress. However, if the respondent cannot answer to the satisfaction of the court or fails to attend court then a committal warrant is issued by the court for imprisonment of the respondent. The imprisonment of the respondent does not liquidate the maintenance debt.

109. In the face of persistent difficulties in ensuring that fathers fulfil their obligations to pay maintenance, it is noted that the Family Court has, in 1995, been taking more forceful action to ensure compliance. This has included some instances of imprisoning fathers who persistently and wilfully default on maintenance payments, and this has generated some attention in the media to the financial responsibilities of fathers charged with the maintenance of their dependent children.

F. Children deprived of a family environment (art. 20)

110. Responsibility for the care of children who have been removed from, separated from or otherwise deprived of their family environment is vested in the Department of Human Development. DHD investigates and follows up cases of children in such circumstances. Through DHD, the Government also makes provision for the temporary or permanent care and protection of such children, through the coordination of foster care, assessment of adoption applications or administration of institutions (under the Social Service Agencies Act and the Certified Institutions (Children's Reformation) Act). As at September 1995, a total of 46 children were in foster care with 37 different foster families and a further 36 children were in institutions as a result of being deprived of that family environment (not including juveniles placed in detention by the courts for infringing the laws, but including 17 children institutionalized for "uncontrollable behaviour").

111. The main institutions offering such care and protection of children are:

Government - Princess Royal Youth Hostel, Girls Hostel and the Child Care Centre (all in Belize City) - capable of accommodating up to 40, 16 and 24 children respectively

Non-government - Acres of Love Children's Home, Kings Children's Home and Millhollen Children's Home (located in Toledo District, Belmopan and Cayo District respectively).

112. DHD is also responsible for the coordination and administration of fostering arrangements. Foster parents are paid a monthly allowance for each foster child, as a contribution towards the costs of food and care. DHD also meets the costs for foster children of school uniforms and textbooks and, for those in secondary school, tuition and other fees. During 1994, DHD, through its Family Services Division, markedly upgraded the role of foster services and its coordination of foster families. This included revising foster care standards, public education of fostering services, formal recognition of current foster parents, and improved coordination of fostering arrangements. A booklet on foster care was published, and the register of eligible foster families expanded.

113. In 1994, DHD, in cooperation with UNICEF, contracted a British NGO, National Children's Homes - Action for Children, to review arrangements for the care and protection of children, with an emphasis on provisions for children in institutions, and adoption and fostering arrangements. This review was completed in early 1995, and highlighted a range of actions which could be taken to improve, inter alia, compliance with the articles of the Convention. To improve such compliance, the Department has instituted reforms

to arrangements for juvenile offenders, with the closure of a residential institution (Listowel Boys' Training School) and introduction of local coordination arrangements for probation and community service orders, along with improvements to support services at Princess Royal Youth Hostel.

114. Further reference should be made to subsection B.2 above. Whilst there are various laws governing the care and protection of children (as referred to elsewhere in this report), there is no legislation setting down procedures to be followed when children are deprived of their family environment. Generally, the nature and application of these procedures constitute administrative policy and guidelines, within the obligations to children set down in those various laws.

115. In this respect, there have been significant changes in government policy and procedures since 1994. Most important, the establishment of FSD, the review of all policy and procedures governing children in situations of care and protection, improvements to fostering provisions, the development of a community-based juvenile rehabilitation and probation service, the associated closure of Listowel Boys' Training School, the development and adoption of improved procedures in adoptions, and the review of reforms to adoption legislation (see below), constitute an important start to much-needed reforms.

116. It is emphasized that the overarching policy context of DHD in this regard is towards the deinstitutionalization of children and their integration into family settings, whether through reunification of children with their families, or through fostering or adoption arrangements. National obligations as a party to this Convention have been a major reference point in developing such reforms. The introduction of standards of care in institutions and facilities will further improve such compliance (as per comment at section III.B.2).

117. One special area of concern is that of children who entered Belize during the period of the influx of Central American refugees. A few children came without their parents, and in other cases they were abandoned after entering the country. These actions often leave the children no status or nationality, as they are very difficult to detect. It is unknown to what extent this remains a problem in Belize at the present time. However, the occasional identification of such cases indicates that this needs some attention.

G. Adoption (art. 21)

118. At the outset it should be acknowledged that probably the most common form of adoption in Belize is of an informal nature, and therefore occurs without the authorities' knowledge. For the families involved, this would rarely even be viewed as an adoption situation. However, this raises concerns about the child's status and therefore his or her entitlements, for example, to inheritance, eligibility to a pension if a "parent" is deceased, maintenance provisions, and so forth. In some few cases, it is understood

that a child handed to another family after birth may not even have had their birth registered. This is a situation which needs to be examined. This should include attention to the scope for remedies to legitimize their status and to safeguard their rights and entitlements.

119. The Adoption of Children Act governs procedures applicable to the adoption of children in Belize. Whilst DHD has administrative responsibility for adoption matters, the fact is that virtually all adoptions in Belize presently do not involve it, being handled directly between the prospective relinquishing parent, the prospective adopting person, the latter's attorney, and the Supreme Court. DHD would traditionally be involved in no more than 10 per cent of adoption applications per annum.

120. The Act prescribes three matters which the Court must satisfy itself about before making an adoption order:

(a) That all relevant consents have been granted (essentially applies to the adopting parent and to the relinquishing parent);

(b) That the order is "for the welfare of the infant", with due consideration, if possible, of the infant's wishes; and

(c) That the applicant (adopting parent) is not to receive "any payment or other reward in consideration of the adoption" (S. 6).

121. The need for reform in this area is evident when the Act is considered to the extent to which it addresses this article: it does not provide for authorization by competent authorities, it does not guarantee informed consent (depending as it presently does on that consent being secured by the applicant's attorney) nor the absence of improper financial gain (for the same reason), it does not explicitly permit intercountry adoption, and neither therefore does it ensure the necessary safeguards for adopted children who leave Belize.

122. The Act requires that "the applicant and the infant reside in Belize" (S. 4 (4)). In practice, most adoptions seem to be to non-Belizeans who establish short-term residency until the adoption application succeeds, and then leave the country. To the extent that "residency" does not necessarily mean "domicile", this is considered reasonable provision for intercountry adoptions, in that the applicant must first spend some time in Belize to be adequately matched with the prospective adopted child. Government is aware that there have been infringements of the intent of this residency provision - by both non-Belizeans and Belizeans living abroad. This matter would be best addressed by improved administration of applications via DHD, rather than a change to the Act.

123. The court may dispense with parental consent if that parent has abandoned, deserted, or persistently refused to financially support the child, or if the parent cannot be found (S. 5 (1)). The Act further ensures confidentiality of records containing entries of adoption orders (the Adopted Children Register) (S. 13).

124. In 1995, the provisions of the Act and the adequacy of adoption procedures were reviewed by MHR. Amongst concerns identified were that:

(a) Many adoptions are driven by the interests of the prospective adoptive parents with little apparent professionally assessed attention to the best interests of the child;

(b) There is no systematic attention given to ensuring that intercountry adoptions only occur if no adequate domestic solution is available;

(c) Tightening of criteria and/or of their application is required (such as what constitutes residency by the applicant, what constitutes "informed" consent, and whether financial rewards are, in fact, being paid) in establishing standard procedures;

(d) There should be separation of pre-adoption assessment procedures from the attorney-managed application process.

125. Coinciding with this review, and in anticipation of reform to the Act to address such concerns, the Family Services Division of DHD has developed more comprehensive pre-adoption assessment procedures to standardize and professionalize the pre-adoption screening process (the critical stage of the adoption process). This includes use of home study reports, health record check, criminal record check (especially a search for abusive behaviour), socio-economic report, counselling session for prospective adopting parents, and parenting skills training (a prerequisite). The proposed reforms include attention to more formal links with competent authorities in other countries, the transfer of responsibility from the Supreme Court to the Family Court, and the creation of an Adoptions Review Board to consider all cases before they proceed to court. In addition, it is proposed that provision be made to facilitate adoption applications by Belizean families, subject to assessment of their suitability. This includes recommendations that FSD prepare the adoption application documents, and that the Legal Aid Centre assist in the process. Such procedures and proposed reforms are deemed consistent with the intent of this article, and clearly aim to place the interests of the child as of paramount concern in all adoption applications. However, it is reiterated that, pending adoption of the proposed reforms, FSD is involved in only a minority of applications.

126. Finally, it is noted that approximately 20 per cent of births are to teenage females (according to the 1991 national Census), a substantial proportion of whom are aged under 18 years. In instances where such infants are offered for adoption, the laws would require the consent of the mother's parent. Although the court has the responsibility to take into account the views and interests of the child, and the discretion to take into account the views of the unmarried mother aged under 18 years, some attention may be warranted to the question of the latter's rights once she reaches the age of being able to herself grant informed consent, especially in instances where her infant is offered for adoption against her expressed wishes.

H. Illicit transfer and non-return (art. 11)

127. Belize ratified the Hague Convention on the Civil Aspects of International Child Abduction in 1980. To give that Convention the force of law in Belize, the International Child Abduction Act (Cap. 143A) was passed in 1989, with jurisdiction vested in the Family Court to entertain applications under the Convention in Belize concerning children under 16 years of age. The Act states, inter alia, that:

> "The Belize Family Court may, on an application made for the purposes of article 15 of the Convention by any person appearing to that court to have an interest in the matter, make a declaration that the removal of any child from, or his retention outside, Belize was wrongful within the meaning of article 3 of the Convention" (S. 10).

The Act also provides that the applicants bear all associated costs, except where such costs may be covered by Belize's legal aid system (S. 12). By Statutory Instrument 98 of 1993, Contracting States under the Convention were gazetted to enable enforcement of the Act in Belize.

128. Provisions for kidnapping or abducting a person in Belize for transporting out of the country are covered by the Criminal Code. Sections 52 and 53 define kidnapping as an offence punishable by, in the case of stealing a person under 12 years of age, 10 years' imprisonment, and in the case of kidnapping any person whatsoever, 10 years' to life imprisonment. The abduction of an unmarried female aged under 18 years carries a sentence of 2 years' imprisonment (S. 54) and the forcible abduction of any female carries a sentence of 14 years' imprisonment (S. 55).

129. "Kidnapping" occurs when someone imprisons a person within Belize so that the victim has no access to the court to gain their release or any means of calling for assistance (S. 71). "Stealing" is defined as kidnapping or when a person unlawfully takes or detains the victim to deprive the person entitled to possession of the child of such possession (S. 72). "Abduction" occurs when a female is unlawfully taken from or detained from returning to lawful possession or care, or where there is intent to cause the female to be married or carnally known, regardless of the victim's consent or the duration of the abduction (S. 73).

I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

130. The following offences against the child are punishable by imprisonment under the Criminal Code, and demonstrate the efforts taken in Belize to protect children from violence and abuse:

Carnal knowledge of a child aged under 16 years (S. 46 (1))

Procuration of a female under 18 years to have unlawful carnal knowledge or to become a prostitute (S. 47)

Permitting the defilement of any female under 16 years (S. 49)

Stealing a child under 12 years (S. 53)

Abduction of an unmarried female under 18 years (S. 54)

Abandonment of an infant under 5 years (S. 58)

Abandonment of a child under 7 years (S. 88)

Causing the death of a child under 12 months (by reason of post-partum depression) (S. 107)

Injury to a child at birth (S. 111).

In addition, there are other offences against the person, which includes the child, for which the perpetrator may be prosecuted, including murder, assault and battery, incest and wounding.

131. The Criminal Code also provides for the use of justifiable force by a person who has the authority to correct a child for misconduct (S. 30), and for cases where the use of force against any child under 16 years of age may be justified (S. 38). For example, S. 38 (1) states that:

> "A blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction, as follows:
>
> > a parent may correct his child being under sixteen years of age, or any guardian or person acting as a guardian may correct his ward being under sixteen years of age, for misconduct, or for disobedience to any lawful command".

132. Despite greater awareness of the limited benefits of corporal punishment, and of more constructive alternatives, such force is still widely in use in Belize, including in families and in government facilities and institutions. It is considered that the use of corporal punishment reflects widespread public opinion and values. Even if that use of force falls within the provisions of S. 38 (1), it is considered that action is required to promote alternatives. Action has been advocated elsewhere in this report (sect. III.B.2) to implement standards of care in such facilities and institutions, and this should help to rectify this situation. However, further attention is required to the expansion of public education via agencies such as, in Government, FSD and, within the non-government sector, e.g. NOPCA.

133. The Domestic Violence Act No. 28 of 1992 addresses the matter of violence within the home, and especially to women and children. It provides for a court of summary jurisdiction to grant to an applicant a protection order against a perpetrator (S. 4), and for the victim's right to live in the dwelling previously shared with the offender to the exclusion of the offender (Part III). The Act provides, inter alia, for assistance to victims of such abuse (S. 40), the compilation of statistics on the incidence of such abuse, and the responsibility of the Ministry of Human Resources to promote and develop educational programmes for the prevention of domestic violence, including the training of counsellors and encouraging the establishment of

shelters (S. 42). The Act applies equally to children, including that applications for a protection order may be filed on behalf of a child, with a copy served also on the parent or guardian with whom the child usually lives (S. 13). With respect to the granting of occupation orders, the best interests of the child are an important consideration (S. 23 (3) (b)).

134. As described elsewhere in this report, Government provides various but limited forms of assistance to children and their families where there is neglect or maltreatment. Some NGOs provide services and support in this respect, especially in areas of education and prevention. DHD is responsible for investigating and reporting on such cases, and also maintains facilities to assist the child's respite, treatment and reintegration with the family. In instances where temporary removal from the household is required, abused children would normally be accommodated at the Child Care Centre, where they would receive counselling and support services from visiting FSD officers. There is a need to examine the adequacy of the relationship between the preventative and educational role of NGOs (and of the lack of NGOs in the area), and the intervention and investigative role of DHD.

135. There is also a need to define child abuse. This is especially important if there is to be improved procedures for enforcing provisions for protection and criteria for investigation: otherwise precisely what is the child to be protected from, and how can it be established that abuse has occurred? Also, regulations need to be adopted which require a medical practitioner or a schoolteacher to report cases of child abuse or neglect, when they become aware of such occurrences.

J. Periodic review of placement (art. 25)

136. In general, whilst the Medical Service and Institutions Act and the Unsoundness of Mind Act provide for periodic review of placement in instances of psychiatric disorder, these provisions are not used with respect to children. They amount to a reasonable safeguard if, in the future, they are indeed applied to children. At present, if a child is considered to warrant institutional care for reason of a psychiatric disorder, they would likely be accommodated on a short-term basis at Belize City Hospital. There are no other laws bearing on the periodic review of children placed into care for their health needs. However, the courts, in determining the placing of children on applications for custody, have wide review powers, including the power to vary an order of custody at any time.

137. The Medical Service and Institutions Act (Cap. 30, S. 47) makes general provision for any person to obtain an order from the Minister for Health for the medical examination of any institutionalized psychiatric patient. If two such examinations, carried out by more than one doctor at least one week apart, support an opinion of discharge, then the Minister has the discretion to do so 10 days after the order to conduct the examinations. The cost of the examinations is borne by the person making the application to the Minister. The Chief Medical Officer is required to formally notify the person's nearest relative of his or her recovery and imminent discharge (S. 48). (Reference should also be made to sect. VI.B.1.)

138. The Unsoundness of Mind Act (Cap. 83) requires that the Minister of Health appoint a Board of Control (S. 24) which is responsible, inter alia, for twice-yearly inspections both of every institution housing a person deemed to be mentally defective and of every such person under supervision or guardianship (S. 26 (2)). The Board has the power to discharge any such person at any time (S. 26 (3)). Whilst no such Board is in existence, it is also true that children are not classified as mentally defective and accordingly institutionalized under this Act. At any rate, the majority of such persons are voluntary residential patients, or have otherwise been ordered into institutional psychiatric care by the courts. In the latter case, the Ministry of Health is required to submit a monthly report to the court.

139. For children placed in institutions for their care, there appear to be no legislative requirements for regular reviews. There are, however, administrative arrangements in respect of government-managed children institutions whereby reviews occur every six months although there is presently a move to institute such reviews on a three-monthly basis.

140. With respect to the institutional treatment of drug abusers, there is one inpatient programme in Belize, the Le Patriarche programme. This NGO operates two centres, at Placencia Village in Stann Creek District, and at San Ignacio in Cayo District, and accommodates up to 25 people at any point of time. Admissions are made via the National Drug Abuse Control Council (NDACC), or else by self-admission at the facility (in which case, NDACC is still informed and involved). NDACC visits every inpatient every month to review progress, and receives a quarterly progress report on each patient. People admitted for treatment have been as young as 12 years of age.

K. Concluding comment

141. To the extent that such data are available, statistical information on the numbers of children per year within the reporting period, disaggregated according to various characteristics and categories, is presented in the tables attached to this report.

142. With respect to the question of equally shared parental responsibility, it was noted at subsection B above that the laws of Belize assign principal responsibility for the maintenance of children to the father, and only to the mother where the father fails in his duty. In the context of greater efforts to secure equal opportunity for women in the employment and economic spheres, and in other aspects of social, domestic and economic relations, this may seem anomalous. Whilst such gender equality is far from a reality, there may be merit in reviewing such legal provisions in terms of recognizing the principle of gender equality in the context of responsibility for the maintenance of children.

143. Comment has also been made with respect to parental responsibilities in the area of public concern about ready access by children to viewing what is widely regarded as being inappropriate and unsuitable broadcasts on cable TV. In this regard, the measures advocated in the previous chapter to improve public programming of cable broadcasts should be augmented by public education

efforts, and could cover shifts in the centrality of TV viewing to family life, and means of better screening programmes selected for home viewing.

144. It has been noted that the Family Court has taken commendable first steps in 1995 to ensure greater compliance by fathers with maintenance orders. However, it also needs to be stated that there may, in some instances, be unintended consequences, such as, for example, where the man is in a married household, but is fathering children by a second relationship and being required to maintain those children born out of wedlock. This often occurs to the detriment of the children in the first household, for whom there is unlikely to be a maintenance order. In view of the prevalence of such relationships in Belize, this matter may warrant further investigation, as also may the situation whereby the mothers of children of middle-income fathers are unable to afford to take a case to the Supreme Court for a maintenance settlement more consistent with the father's means and with the standard of care which the child would otherwise have received.

145. Section IV.B.2 commented on government assistance in the care of children. Whilst the recent introduction of limited financial assistance to non-government children's institutions is welcome, this level deserves review, especially in the anticipated event of the Government introducing formal minimum standards of care for children in those institutions, as described in section III.B.2.

146. Reference was made to the power of the court to divest a parent of authority over any female child aged under 13 years, whom they have encouraged or allowed to be seduced or prostituted. It is considered that this age-limit ought to be raised to 16 years, and equally applied to male children.

147. To further improve compliance with article 9, provisions should be made to ensure, rather than more informally permit, freedom of access to information on instances whereby the State separates a child from his or her family members.

148. Article 10 deals with family reunification, and comment was made in sections IV.B and I, concerning article 8, about the need to examine the status of children whose parents are covered by the Aliens Act. This especially needs to ensure that children are not left homeless or in any other way vulnerable as a result of their parents being displaced under this Act, nor that those children are in danger of being separated from their parents and other family members. It is recognized that this may raise particular problems in the application of such protection to not just the children, but to other family members as well, and may be interpreted as negating the intended effect of the legislation. Nevertheless, such protections need to be assured.

149. Also with respect to article 10, there is a need to examine the extent to which there is a problem for the Belizean children of parents who emigrate, primarily to the United States, in being unable to secure visas to be reunited with, or even visit, those parents. It is recognized that, in some cases, those parents may have migrated without the necessary approval of the receiving country. *This means* that such parents will be reluctant to return

to Belize to visit their children, for fear of being unable to re-emigrate. However, once again, the focus of this examination needs to be upon the rights and needs of the child.

150. In section IV.E (art. 27 (4)), recent reforms to the levels of maintenance were mentioned. However, it is considered that there remains a need to monitor and review both the adequacy and consistency of such rates of maintenance, including with respect to the identical treatment of children regardless of the marital status of their parents. Such a review may include attention to the merit of incorporating provisions for indexing levels of such payments, both in line with cost-of-living movements and in order to progressively achieve a more adequate level of support.

151. Also concerning article 27 (4), comment has been made about the limited relevance of provisions for reciprocal maintenance orders with other States. Part IX of the Summary Jurisdiction (Procedure) Act presently confines such reciprocal agreements to other Commonwealth countries. This severely restricts the scope of such provisions. As a result, it is important that, firstly, the Act be amended to permit reciprocal agreements with countries other than those that are members of the Commonwealth and, secondly, that the Government initiate discussions with the United States Embassy to ascertain the potential to enter such a reciprocal agreement with the United States.

152. The situation concerning article 20 was briefly described at section IV.F. The adoption of reforms arising from the independent review of arrangements for children in institutional care has been noted, along with various proposals for further reform which are being considered by Government in 1995. Nevertheless, in the drafting of comprehensive children's legislation, attention is still required to judicial procedures to be followed when children are deprived of their family environment, even though the nature and application of those procedures need to be detailed in administrative policy rather than legislation. As mentioned at section V.F, there also needs to be some appraisal made of the incidence of, and procedures to apply in handling cases of the abandoned and stateless children of refugee families.

153. As has been noted, the Government has acknowledged the need for reform to the Adoption of Children Act, and to associated assessment. Steps are now in progress to implement these changes, and DHD has developed and adopted standardized pre-adoption assessment procedures, to better ensure that the interests of the child are paramount. Briefly, the proposed changes aim to define DHD as the competent authority in all adoption applications (including as the guardian ad litem), to ensure that adoption is considered the appropriate and preferable action for the child, to ensure that all informed consents have been granted, to ensure that appropriate pre-adoption assessments and counselling have taken place in all applications, and to permit intercountry adoptions (accompanied by intercountry screening and assessment) whilst ensuring that appropriate domestic remedies do not exist.

154. With respect to adoptions, the prevalence of informal adoptions has been mentioned, along with the precarious position in which this may often leave the child. Therefore, it is necessary that this situation be examined, and the potential for appropriate remedies and safeguards considered. Similarly,

attention needs to be given to the matter of the rights of the child-mother whose baby is adopted, whereby she may not support the adoption of her child.

155. It is also important that all instances of children in long-term institutional care be reviewed, and steps taken to identify appropriate alternative family-based solutions to their needs. It is reiterated that DHD has embraced a policy and programme framework which emphasizes family reintegration and the deinstitutionalization of children. This paves the way for a range of further reforms to institutional care, and especially to substantially reducing the incidence of long-term residential care.

156. Also, DHD should endeavour to adopt procedures whereby the applicant for adoption is screened, counselled and assessed, prior to any matching with a prospective child available for adoption. Furthermore, in view of the fact that most intercountry adoptions are to citizens of the United States and that the United States Government has stringent provisions to be met in approving adoptions by such people, it may be advisable for the Government to formalize a bilateral intercountry adoption agreement with the United States, which may also serve as a model with respect to other countries.

157. It is widely considered that more concerted action is required to give better effect to the provisions of the Domestic Violence Act. This applies both to greater use of the Act to prosecute offenders, and to ensuring that the requisite services are provided. Such services include the relative lack of specific counselling for the victims of domestic violence, the continued shortage of shelters for victims, the need for improved attention to the training of personnel, and the continued absence of adequate statistical information. In fact, there appears to be a need for urgent attention to many of the provisions of section 42, which is the specific responsibility of MHR. This is not to deny the efforts already taken, or the general difficulty in tackling domestic violence.

158. Urgent attention must be given to the incidence of non-reporting of child abuse. It is recognized that this is a very difficult issue to identify; however, there needs to be closer collaboration between DHD and relevant NGOs, such as NOPCA, in the investigation and treatment of such cases. Such collaboration also needs to develop improved public awareness strategies as part of a preventative approach to child abuse, although attention is also required to means by which the laws governing child abuse may be more comprehensively enforced.

159. It is also necessary to acknowledge the persistence of the corporal punishment of children in Belizean families and institutions. Even though this behaviour may fall within the scope of Belizean law, it is considered that action is required to minimize such practices. This could include:

(a) Reviewing the extent and nature of corporal punishment, and provisions for its application, including rights of appeal, within government and NGO institutions, including schools;

(b) Implementing the provisions of the Social Service Agencies Act in terms of prescribing standards of care and protection;

(c) Efforts to better define forms of child abuse (including psychological); and

(d) Action to better promote public awareness of alternative forms of discipline of children and of alternatives to such disciplinary action.

160. In view of the highly precarious nature of NGOs, with the lack of resources for sustainability of operations and services, urgent attention is needed to the development by DHD of a comprehensive strategy for such case management. This needs to recognize the primary responsibilities of Government, via DHD, as well as the essential role to be played by NGO and Church-based agencies. Further review is needed of the nature of any sustainable network of NGOs which is required to ensure a more formal and consistent role by this sector in collaboration with Government. Such review needs to give attention to the current and required nature of the relationship between Government (and its investigative and intervention responsibilities) and the NGO/Church-based sector (and its educational and preventative roles).

161. Whilst young people in institutions receive periodic review of treatment and placement, it seems desirable for this to be a formal requirement. This may not need a specific amendment to the relevant Acts, but should certainly be incorporated into the minimum standards prescribed by DHD for all - government and non-government - institutions and facilities, as per the Social Service Agencies Act (S. 13 (1)).

162. Finally, it is necessary to call for a review of the laws to the extent that there may be a need to remove gender discriminatory provisions. In a number of cases, the laws make different provisions for the female and the male child. These are essentially of two types. Firstly, there is an assumption that a male child is in need of financial support until the age of 18 years regardless of marital circumstances, but that such need ceases if a female child marries, presumably because there is an expectation that the husband is responsible for her maintenance. This is often not so, quite apart from the question of whether it is any longer acceptable in view of issues of economic independence and greater gender equity in treatment within public policy. Examples of laws which may be included in a review would be the Wills Act (SS. 35 and 36), the Pensions Act (SS. 6 (1) and 12 (6)), and the School Teachers' Pensions Act (Cap. 33, S. 21 (4)). Secondly, there are gender differences in laws governing such matters as child sexual assault and abuse, and associated protective provisions. These differences seem inappropriate in such areas. Examples of laws which may be included in such a review, to extend protective provisions to include the male child, would be the Criminal Code (SS. 46-49 and 68 (rape and carnal knowledge), 54 and 55 (abduction), and 60 and 61 (incest)). At the same time as removing gender disparities, such review should also examine areas where there could be improved consistency in the application of age levels to different offences. Reference has been made to such examples in other sections of this report, including earlier in this subsection.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

163. This subarticle has been addressed under section III.C.3 of this report, where reference was made to the provisions of the Criminal Code (S. 96) concerning the duties of parents and guardians "to supply the necessaries of health and life", and to the Family Maintenance Act (SS. 2 and 3) which ensures parental responsibility for the maintenance of children. Parental responsibilities for the upbringing and development of the child, along with government assistance in this regard, were discussed at section V.B.

164. In addition, the 1994 reforms within DHD, which included the placement of child development officers within FSD, have further strengthened the focus of that Department on improving the development of the child. These have also been referred to elsewhere in this report (see, for example, sects. V.B.2 and V.F).

B. Disabled children (art. 23)

1. Legislative provisions concerning people with mental disability

165. The only legislation dealing specifically with people with disabilities relates to mental disability. Refer to section V.J for a description of the Medical Service and Institutions Act. The other relevant law is the Unsoundness of Mind Act. It empowers the courts to make orders for the custody of persons found to be of unsound mind, and provides for a person deemed to be intellectually disabled to be placed in an institution established for such purposes, or otherwise placed under supervision or guardianship. This latter provision is at the instigation of that person's parent if, though not severely intellectually disabled, he or she is under the age of 18 (S. 19 (1) (a)).

166. For intellectually disabled children over the age of 7 but less than 16 years, the Ministry of Education's Chief Education Officer is empowered to give notice to the Commissioner of Police that a child is incapable of receiving benefit from special education classes without detriment to the interests of the other children, and should be transferred to an institution or placed under other supervision or guardianship (S. 19 (2)).

167. The parent of a child under the age of 18 years certified as intellectually disabled by two duly qualified medical practitioners - and also signed by a judicial authority where the child is regarded as not severely so - may have that child placed in an institution or under supervision or guardianship (S. 20).

168. This Act also requires (S. 26) that a Board of Control, responsible to the Minister of Health, inter alia, exercise supervision over all such institutions and the standards of care, training, control and treatment of such institutionalized persons. The Board is required to inspect every institution holding intellectually disabled people at least once in each year,

and to inspect every person under such supervision or guardianship at least twice yearly. The Board is empowered to discharge such a detained person at any time.

169. However, it is noted, firstly, that this Board does not exist and, secondly, that whilst children would be covered by the provisions of this Act, it is not used in this way. There is limited provision for accommodating a moderately intellectually disabled child at the Stella Maris School in Belize City. The Stella Maris School was established in 1958 as a school for the physically disabled. In 1982, the Lynn School for the intellectually disabled was amalgamated into Stella Maris, which now serves approximately 100 children with a wide range of disabilities. Several secondary schools have indicated a willingness to accept Stella Maris graduates. However, there have been few successful experiences in this regard, due largely to a lack of teacher training, parental attitudes, a lack of appropriate aids, and the frustration of the students in being unable to keep pace with the curriculum. Since 1993, students with cerebral palsy and hearing impairments have attended the Centre for Employment Training, an upper secondary vocational and technical training centre run by the Ministry of Education. In the rare instances where a child is considered to require institutionalization for reasons of more severe intellectual disability, this would take the form of short-term detention at the Belize City Hospital. Even so, there has been at least one recent instance where a child was detained at the Infirmary, and this highlights the need for provisions to be made for children with these types of disability.

2. Services for children with a disability

170. The Government of Belize established the Disability Services Division (DSD) in 1986. DSD is under the purview of DHD and has field officers operating in each District. DSD's stated goals are to provide rehabilitation services at the community level for disabled persons and provide advocacy for disabled persons and their families in obtaining community services.

171. DSD operates a national rehabilitation centre, and its range of services includes a comprehensive screening service for children and infants, including screening of new-born babies at the hospital and at maternal and child health clinics. Young children with developmental delays are provided with early stimulation and rehabilitation services, usually in their homes, by DSD staff and volunteers. Parents of these children are also encouraged and trained to provide these services. DSD also screens for hearing impairment and fits hearing aids, and maintains a supply of low-cost equipment (crutches, wheelchairs, hearing aids, telephone amplifiers, prostheses, etc.) which it lends as available. In 1994 it commenced the local manufacture of some such equipment, and provides training to interested people in their design and low-cost construction.

172. DSD also maintains a national register of people with disabilities, including those who have received some type of service from it. Approximately one third of this population is children under the age of 15 years. Even so, it is estimated that less than 10 per cent of those with special needs are in receipt of services.

173. Within the Ministry of Education, a Special Education Unit was established in 1990, for the purpose of organizing and supervising special education services and the integration of disabled children into the primary school system. Since 1992, that Unit's coordinator has been responsible for coordinating in-service training in special education, and the Special Education Sensitization Programme for administrators, education officers, and teachers. More recently, the Ministry of Education has developed a Special Education Plan, as part of its National Educational Development Plan and, in 1994, established a Special Education Consultative Committee, comprising representatives of Government and NGOs with expertise in the area. In 1985, the Ministry of Education's Pre-school Unit began to offer training sessions to pre-school teachers on the early detection and prevention of and attention to disabilities.

174. Owing to limited resources, it remains the case that for some disabled children the right to an education is not achievable. There are five special education units for severely to moderately disabled children in Belize: the Stella Maris School in Belize City, and special units in the Districts of Corozal, Orange Walk, Stann Creek and Toledo.

175. In addition to the special education units, there are four resource units for children with learning difficulties: two in Belize City, and one each in Orange Walk and Cayo Districts. Through these units, the host schools provide special attention to students with learning disabilities, attention deficit disorders, or who are classified as slow learners.

176. In general, all of these services are provided free of cost. However, in many cases, services - including school facilities - receive inadequate budgets, and often rely heavily on donations from the non-governmental or private sector or international agencies. Despite the best efforts of these local services, equipment and facilities may often be substandard or insufficient, or services may not be sufficiently comprehensive. There also needs to be greater attention to vocational training and to employment placement, with a need to address attitudinal problems of employers and parents, in order to ensure more independent and sustainable outcomes of education effort.

177. Until recently, the Stella Maris School provided residential care for some students with disabilities. This service has now been closed, thus fostering greater responsibility by the family for such children and reducing the incidence of and demand for institutional care. This action has also enabled improved coverage of educational services for children with disabilities from within existing resources. This has been accompanied by greater attention to the main streaming of such children into the standard educational system, thus improving their integration into the social and vocational framework of the youth development process. Despite the benefits of main streaming, this remains an option only for those with milder disabilities, which still leaves a concern about the need to extend opportunities to those children who are more seriously disabled.

178. Two NGOs which play particular roles are the Belize Council for the Visually Impaired (BCVI), which assists in the main streaming of visually impaired students, through the provision of technical advice and material

support, and the Belize School for the Deaf. This school conducts full-time day classes for about 30 students and evening classes for hearing impaired people ranging in age from 3 to 20 years. It also provides a residential facility, which has recently been expanded coinciding with the closure of Stella Maris School's residential service.

179. In the past couple of years, the DSD Coordinator has prepared course materials for the introduction - which is now in place - of a special education curriculum within the teacher training programme at Belize Teachers' College.

180. To give more force to these efforts, and to better specify the rights and promote the opportunities available to people with disabilities, the Government foreshadowed in 1994 the introduction of special legislation concerning the rights of people with disabilities. DSD is in the process of collating relevant legislation from other countries, and of drafting the outline of such an Act.

C. Health and health services (art. 24)

1. Legislative provisions for health and health services

181. There is a range of legislation governing and providing for health standards and services in Belize, including - even if not specifically providing - for children. These include:

Medical Service and Institutions Act

Public Health Act (Cap. 31)

Medical Practitioners Registration Act (Cap. 251)

Nurses and Midwives Registration Act (Cap. 253)

There are other Acts regulating, for example, dentists and opticians in their practice.

182. The Medical Service and Institutions Act provides that eligibility for hospital admission applies to, firstly, members of the police force, secondly, all sick persons having a duly signed order and, thirdly, all other persons able to meet the criterion of capacity to pay the hospital costs (S. 24). In the case of an emergency, the medical officer in charge of a hospital may approve admission (S. 26 (1)). There is no specific provision in the Act for the child's right of access.

183. The Public Health Act provides, at Part X, for the free public vaccination of children within three months of birth (see especially Ss. 150 and 151). The Act also sets down guidelines for the treatment of infectious diseases (including requirements of parents and school principals), and provisions for quarantine; provisions for the maintenance of a supply of

drinking water and for the regulation of drains; provisions for sanitary facilities (including provisions for co-educational schools); and provisions for the handling of dead bodies; all of which promote the avoidance of disease and the maintenance of basic health standards.

184. Part X of the Public Health Act has enabled the Government's Expanded Programme of Immunization (EPI) campaign to achieve global goals in immunization rates for children under five years of age, and to achieve tetanus coverage. EPI is viewed as the most successful programme of the Government's Maternal and Child Health (MCH) Unit. By 1992, the Ministry of Health, in collaboration with other ministries and international agencies, most notably UNICEF and the Pan American Health Organization (PAHO), had an 83 per cent immunization rate for children under one year of age, which exceeded the universal 80 per cent target.

2. Key features of health services

185. The principal health planning document was the Ministry of Health's "Five-Year Plan 1990-1994" and, presently being drafted, the "National Health Plan 1996-2000". Belize is also a signatory to the 1978 Almaty Declaration and is therefore committed to "Health for All by the Year 2000", with a focus on primary health care (PHC).

186. Current features of the health care system include:

(a) Seven government and two private hospitals (all of which have at least one children's ward), 35 health centres and 17 rural health posts;

(b) 117 midwives (16:1,000 live births (Lbs)) and 135 Traditional Birth Attendants (TBAs) (110 of whom have received training);

(c) A national Maternal and Child Health Unit and associated service, with committees in each District;

(d) Successful child immunization programme (Belize achieved Universal Child Immunization in 1990);

(e) 350 volunteer Breastfeeding Counsellors nationwide (trained by Breast is Best, a national NGO);

(f) A fair amount of knowledge of contraception, although usage is much lower.

187. Some of the more relevant statistical indicators are:

(a) An infant mortality rate (IMR) of 35:1,000 Lbs (from 1991 Census) (substantially higher, but more accurate, than the Vital Register);

(b) An under-five mortality rate (U5MR) of 50:1,000 Lbs;

(c) 25 per cent of under-five-year-old deaths are due to acute respiratory infection;

(d) Vaccination coverage of 89 per cent DPT, 99 per cent BCG, 89 per cent polio and 83 per cent measles (1992 data);

(e) 24 per cent of infants are exclusively breastfed for the first three months (4 per cent are predominantly breastfed);

(f) A maternal mortality rate (MMR) of about 14:10,000 Lbs (with only about 7,000 Lbs per annum, the rate can fluctuate widely);

(g) The main reason for female hospitalization is obstetric causes, which account for 24 per cent of all admissions;

(h) About 37.5 per cent of households obtain treated drinking water from public pipes to their residence (13 per cent in rural areas), and 35 per cent of households have water closets connected to sewer mains, cesspits or septic tanks (10 per cent in rural areas).

188. Amongst current concerns are:

(a) Recurrent budgetary pressures which serve to reduce the resource share for PHC;

(b) Inadequate recording of health data (especially the registration of infant mortality);

(c) An IMR substantially (about 75 per cent) higher than that for the English-speaking Caribbean;

(d) Main causes of IMR are conditions originating in the perinatal period, respiratory conditions and dehydration;

(e) Indicators that suggest abnormal nutrition levels in more than 50 per cent of children;

(f) Belize's high fertility rate (4.6 compared with 3.5 for Central America and the Caribbean), and especially its teenage pregnancy rate of about 20 per cent;

(g) The continued failure to adopt a national breastfeeding policy;

(h) The epidemic proportions of AIDS (an incidence rate in 1993 of 13.5 per 100,000, just 7 years after the first case), with 5 paediatric cases reported between 1985 and 1994 (2 attributed to perinatal transmission and 3 to blood transfusion);

(i) The growth in malaria cases, with a 63 per cent increase between 1992 and 1993 (8,482 cases), and Cayo District accounting for 37 per cent of all cases, possibly due to the influx of Central American immigrants.

3. Public health education and preventive health care

189. The Health Education and Community Participation Bureau (HECOPAB) was established within the Ministry of Health in 1981, via funding from UNICEF.

It employs health educators and has a presence in each District. HECOPAB does not work directly with children, but focuses on the provision of assistance to different NGOs and other agencies in the development and provision of education and training material. In conjunction with the MCH Unit, it has produced brochures and public education material on the protection of the rights of the child. In this regard, it also works closely with NGOs such as NOPCA and Belize Family Life Association.

190. With respect to acting to abolish traditional practices prejudicial to the health of children, the main steps taken have been related to isolated incidences in remote communities by indigenous populations (and some untrained TBAs) whereby the newborn child's umbilical cord is severed with a cutlass. In most instances, this practice has been perpetuated by the menfolk of these indigenous groups. This had sometimes caused infections to the child, with the most recent report of neonatal tetanus occurring in the mid-1980s. Measures to abolish this practice have been primarily taken through TBA training and via formal training of traditional midwives. A certificated three-month training programme delivered by public health nurses, with the involvement of rural health nurses, in collaboration with local health centres, includes clinical and hospital observation and practice, lectures and, sometimes, examinations. Given that it is not possible to ensure the presence of TBAs at all births, the MCH Unit is, late in 1995, commencing an outreach training programme for fathers in the more remote villages of the southern districts, which will aim to further curtail this traditional practice.

191. The MCH Unit reports that there is also a problem with some first-time mothers, and mothers giving birth to more than five children, considered to be in high-risk groups, still preferring home births which may often be poorly supported. This matter is also the subject of ongoing education by the MCH Unit and public health nurses.

D. Social security and child care services and facilities (arts. 18, paras. 3 and 26)

1. Employment-oriented child care

192. There is no legislative provision for child care services and facilities for the children of working parents. Problems in child care access and affordability are one of the major reasons why women continue to fail to share equitably in the Belizean labour market, along with traditional gender-based household and family roles, and of gender-based occupational segmentation.

193. The most common form of day care is informal home-based care with family or friend. There are insufficient numbers of group homes. In Belize District, there are 15 day care centres serving about 147 children. This means very limited, if any, access to the majority of mothers. Costs further restrict access: for a woman earning perhaps $50 per week, a child care charge of $15 per week per child becomes prohibitive, especially with more than one child. There are two Government-managed day care centres in Belize City, one each in the Mesopotamia and Port Loyola divisions; whilst Government is a major employer of women with dependent children, it does not itself provide work-based day care of its own.

194. The Government also oversees a number of childhood stimulation centres in rural areas, for children aged 0-3 years. These centres operate largely with voluntary staff - often mothers of participating children - and provide a combination of personal development, early classroom learning and play activities.

195. Despite the lack of access to such services, the manifesto of the present Government expresses its commitment to "undertake specific programmes to achieve equality and justice for all Belizean women and children by [inter alia] providing a voucher system for child care, funded by government and employers (through tax-free deductions), for parents earning less than the new taxable minimum". NCFC is presently addressing the task of formulating a national policy for child care, which includes reference to training needs. However, because of financial constraints stemming from the current national structural adjustment programme, the amount that can be done to better meet these needs is likely to be limited.

2. Social security provisions and social assistance payments

196. Government has in place a safety net system of income support, delivered via DHD, which provides small levels of social assistance to those most in need, via its offices located in each District. These social assistance payments are direct cash transfers and are not intended to constitute, on their own, a basic level of subsistence, but a supplementary form of support. As such, they may be considered quite inadequate in themselves ensuring a decent minimum living standard. These payments take two forms. Firstly, there are social assistance payments allocated on a needs-based basis, with a fixed small payment to persons aged 16 years and over, and a rate of half of that amount to children aged under 16 years. Secondly, there are social assistance payments, at the same rate, and also means-tested and administered by DHD, made to persons aged over 65 years. These latter payments are made on behalf of the Social Security Board, a commercially managed public authority, and are being phased out as the provisions for social security pensions for all retired workers come into effect. At present, persons aged over 65 years may - subject to means-test - be in receipt of both payments.

197. The Social Security Act (Cap. 34) provides for anyone over 14 years of age to be insured, if employed (S. 3 (1)). Under Statutory Instrument No. 82 of 1980, there is provision (S. 33 (1)) to make periodic payment of a pension in respect of a dependent, orphaned child aged under 14 years, or between 14 and 16 years if the child is still in school. This seems to mean that a child aged 14 years or older who is not in the school system is ineligible for a pension, and that, regardless of whether in school or not, a child is ineligible once he or she turns 16 years of age. There is special provision for eligibility for a child deemed to be incapable of earning a living, presumably by virtue of disability. The rate of child pension - which is conditional upon the death of the main income-earning parent - varies from one quarter to two fifths of the full rate applicable to the deceased officer's widow, with the higher (latter) rate applicable in instances of the child's incapacity to earn a living. According to the Act, there is provision for

interim payments pending any subsequent decision of another guardian's entitlement to such payment (S. 43 (2) (d)), and for payment of a periodic or lump sum "survivors' benefit" in instances where the insured person dies for reasons other than an employment-related injury (S. 11 (f)).

198. The Widows' and Children's Pensions Act (Cap. 25) provides (S. 4) for benefits to be granted to the widows and children (including, as defined at S. 2 (1), adopted and step children and children born out of wedlock) of public officers who contribute to this pension scheme. Only one pension may be granted in respect of the children of that officer, although the rate may vary between one quarter to three quarters of the widow's pension depending upon the number of children and whether the widow is still alive (for example, the larger rate applies where there are two or more children and the officer's widow is deceased). Also, being based on a public officer's salary, the size of the pension may be considered inadequate for full child maintenance.

199. The Labour Act provides, at Part XVI (Ss. 177-181), for maternity protection, and these provisions are reflected in the Government Workers' Regulations (Regulation 30). This entitles a female employee to payment of one half (one third prior to 1992) of her wage for a period of up to three months, including a compulsory six weeks after delivery. Eligibility for such leave is conditional upon the woman having been employed by her present employer for at least 150 days in the preceding year. Female officers are protected from dismissal during any period of maternity or associated sick leave. The provisions have the added flexibility of enabling the employee to work up to the expected date of delivery, and to then take the remaining post-delivery leave on full pay utilizing their vacation-leave entitlements. These provisions are viewed as in the best interest of the children of those working women who enjoy their benefits.

200. Other relevant legislation includes the Pensions Act, which allows for a bankrupt person to be paid any gratuity, pension or allowance due for the maintenance or benefit of dependent children (S. 12 (3)) ("dependent" meaning any child under 18 years and, in the case of a female, unmarried), and for a pension to be granted to each child aged under 18 years where the pensionable officer dies as a result of a work-based injury or disease (S. 17 (1)). There is also provision for a pension to be granted, on compassionate grounds, to a person aged 18 years or over who is wholly dependent due to incapacity. The pension rate is set at either one eighth or one quarter of the pension per child depending, respectively, upon whether or not the deceased officer has a pensionable widow. The School Teacher's Pensions Act provides for pensions to up to six children of a teacher who has been paid by Government and dies whilst in service (S. 21). If there are more than six dependent children, application may be made to the Governor-General for payment on behalf of those additional dependents. This provision again precludes a married female under the age of 18 years (S. 21 (4)).

E. Standard of living (art. 27, paras. 1-3)

201. Reference should be made to section IV.B concerning discussion of parental responsibilities for the upbringing and development of the child.

These responsibilities include the duty to ensure an adequate standard of living. In addition to the forms of public assistance provided as described in that section, income support provisions were described in section VI.D.2.

202. The Income Tax Act entitles parents to deductions depending upon the number of children and their age and stage of education. There are institutions, supported financially and otherwise by statutory corporations such as the Development Finance Corporation and the Reconstruction and Development Corporation, which provide loans for low-cost housing.

203. An important programme which was initiated just over three years ago is related to the provision of nutritious meals to deserving primary school children in some schools. Children are provided with breakfast and middday meals on a weekly basis. While the initial stimulus for this School Feeding Programme came from the office of the British High Commissioner in Belize, parents and teachers, along with the communities concerned, have now joined forces to ensure the success so far of the programme.

204. In 1995, the Ministry of Housing has developed a draft national housing policy for the period 1995-2000. This includes provision for setting aside a percentage of housing stock for low-income families. Initially, such housing - which will be available in all Districts - would be available on a low-rent or rent-free basis, according to circumstances and need. An annual assessment will then enable occupiers able to afford it to be charged a low rental, which would approach parity with market rates according to the family's capacity to pay. In addition, provision is made in each year's national budget, via the Official Charities Fund, for monies to assist families in need with repairs, maintenance or alterations to their housing.

F. Concluding comment

205. With respect to children with a disability, Belize made significant reforms to services during the International Decade of Disabled Persons (1983-1992). The adoption of legislation to define the rights of persons with disabilities, as foreshadowed by the Government in 1994, would address a number of continuing concerns, especially in the areas of rights and access to education and employment. In drafting such legislation, special reference was made to the rights of disabled children.

206. This legislation will also give attention to the provision of institutional care for children with intellectual disabilities. Government needs to develop a policy and procedures to apply to this area of need, as this is presently an area where there are no clear arrangements.

207. Government will also review the extent of any unmet need for residential care for children with severe disabilities. The recent reforms in educational provisions for such children, accompanied by steps to better foster parental responsibility in their care and development, are welcomed, but there is a need to ensure that adequate residential services are available where required. As acknowledged in earlier chapters, such reforms are consistent with DHD's broader strategy of family reintegration and the deinstitutionalization of children.

208. With respect to health care, it is proposed that the anticipated legislation for families and children include reference to the fundamental right of all children to medical care and treatment. Also, Government needs to act to ensure the adoption and implementation of a national breastfeeding policy.

209. As with other areas of human development referred to in earlier chapters, it is necessary that Government review the longer-term roles of NGOs in health service provision and public education, and develop an associated resource strategy to ensure the sustainability of such NGO roles.

210. To implement Government's policy to ensure improved provision of day care and other child care services, enabling legislation may be warranted. This should also include attention to associated subsidy arrangements to improve affordability for low-income families, and aim to facilitate the entry of women into the paid workforce. Opportunity also presently exists to develop a pilot work-based day care facility for children: a 1995 study revealed, for example, that there are 19 pre-school-age children of employees of Belize Electricity Limited in Belize City who require such access.

211. In view of administration provisions applying to the social security system, Government needs to review present transition arrangements, to ascertain whether or not any loopholes exist which permit people - and especially children - to fall through the income security safety net.

212. In collaboration with the relevant trade union bodies, Government should also examine the merit of introducing legislation to ensure a degree of parity between the public and private sectors as far as maternity leave entitlements are concerned.

213. Finally, in implementing its national housing policy, Government needs to ensure that its commitment to the provision of social housing emphasizes priority access to low-income households with dependent children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

214. Education and the operation of schools in Belize are governed by the Education Act. Under this Act, primary education is free to all students (S. 19 (1)), and education is compulsory for all children aged from 5 years up to the time they reach 14 years, with provision for the Minister of Education to raise this upper age limit to 15 years if considered "expedient" (S. 34). Access is also non-discriminatory, with the Act providing that no child be refused admission on the basis of religion, nationality, race or language (S. 19 (3)).

215. Apart from the primary, secondary and tertiary tiers of education, Belize has also developed a system of pre-school education. A Pre-School Education Unit was established within the Ministry of Education in 1979, with responsibility for early education for three- to five-year-olds, including formal pre-school and the training of pre-school teachers. By 1994, there were 81 pre-schools, with a total enrolment of more than 3,000 children.

216. Within the secondary school system, provision is made for different forms of education, including technical, academic and commercial streams. The curriculum in the first two years focuses on academic and science core areas, and in the final two years the emphasis is more on preparation for the Caribbean Examination Council (CXC) examination, which helps to determine options in university and other tertiary level studies. The Ministry also operates the Centre for Employment Training in Belize City, which conducts curriculum in trade-based and vocational education, available to students over the age of 15 years.

217. The Act also provides for the granting by Government of secondary level scholarships and bursaries (S. 31). Firstly, Government provides a significant number of awards at the secondary school level and for sixth form based on merit (based on academic performance in either the Belize National Selection Examinations (BNSE) or CXC) or financial need (for example, where a student has been accepted by a high school but is unable to afford to attend) or a combination of the two. At the secondary level, there are approximately 700 students in receipt of such assistance, with the number of awards in 1995 approaching a high of about 250 for students entering high school. This is in addition to the costs to Government of now providing free tuition. At the sixth form level, there are about 50 annual book awards and about 25 awards of financial assistance based on need. Secondly, Government provides a number of bursaries, in the form of stipends to subsidize students who have to live away from home, or else travel a distance, whilst at high school or sixth form. These take the forms of assistance with either accommodation or with transportation.

218. Government also provides such assistance at the tertiary level. There are a number of professional and technical scholarships provided to students at the University of the West Indies (UWI). These may be either full scholarships, covering tuition, accommodation and economic costs, or partial scholarships, covering tuition and accommodation, or economic costs only. In 1995, there were about 100 students receiving such scholarships. Tuition scholarships are provided to assist students to study at the University College of Belize (UCB): in 1995, a total of 171 students were in receipt of such assistance.

219. In addition, there are a number of scholarships or other forms of assistance provided to Belizean students by other agencies. These include the Canadian Government, the United States Agency for International Development (USAID), the United Kingdom Government and some Central American countries. Also, there are some stipends provided to students to study in other countries, such as Mexico, Cuba and Guatemala.

220. In 1993/94, the Government introduced free tuition within secondary schools, including the second year of sixth form (the first year is excluded to encourage students and parents to show a commitment to further education by contributing to that first year). Primary school tuition was already free. However, textbooks and other materials still have to be purchased by parents at both primary and secondary levels, and a number of secondary schools have introduced additional charges which may largely offset the financial benefits to families of the free tuition policy.

221. Even so, whilst tuition within Belize is free - virtually until the end of secondary level - and education is compulsory for all children aged under 14 years, the main problems are those of the enforcement of participation and the lack of classroom capacity. It is estimated that approximately 10 per cent of children do not commence primary education and that approximately a further 36 per cent do not complete their primary education. Enrolment data for 1993 show that 49 per cent of 13-year-olds were enrolled in primary schools, and a further 21 per cent were enrolled in secondary schools, thus suggesting that perhaps 30 per cent of 13-year-olds - for whom schooling remains compulsory - were not enrolled in the education system. Limited capacity in the secondary school system also means that the cut-off point for the qualifying for BNSE, being based on percentile ranking, is set to perform mostly certification and selection functions rather than to serve as a means of assessing academic ability. The severity of limited education access has been verified by a Ministry of Education and Culture survey which revealed severe overcrowding in both urban and rural schools, and the need for many classrooms to be either constructed, replaced or repaired.

222. From the survey (1994), it was learnt that the trained teacher/pupil ratio at the primary school level was 26:1, while at the secondary school level it was 108:1. In general, the percentage of trained teachers at both levels was relatively low: 52.2 per cent and 12.7 per cent respectively.

223. At the secondary school level, the Student Assistance Programme provides school-based services of counselling and guidance - especially counselling - to secondary school students. This programme has been developed by a local NGO, PRIDE-Belize, and is very active and provided nationwide. PRIDE-Belize conducts para-professional training in counselling, resulting in a Certificate in Basic Counselling Skills for participating teachers, whose salaries are provided by the Ministry of Education for the provision of the programme's services in both Government-managed and Government-assisted schools. In addition to training teachers in setting up and conducting the programme in the school, PRIDE serves as a continuing resource, providing support services and resource materials. It is also training National Drug Abuse Control Council (NDACC) personnel in the extension of this service to the primary school system, and has developed a training programme in counselling skills which is now being introduced into formal teacher training. Each year, PRIDE also conducts a meeting with school principals to review the programme. Collectively, these steps will also serve to ensure the programme's sustainability in view of the impending transition of PRIDE's functions to NDACC.

224. The Education Act assigns responsibility to the parent for ensuring the child's attendance at school (S. 35), and to the Chief Education Officer for ensuring that parents comply with this requirement (S. 36). The Act also provides (Ss. 39-41) for the appointment by the Chief Education Officer of school attendance officers to ensure school attendance. Five such officers are engaged within the primary school system - three in Belize District and one each in Cayo and Stann Creek Districts - and visit schools and homes to investigate regular occurrences of absenteeism. These officers are complemented by a number of volunteers, including in other Districts and within rural areas. As a first step, the parents are advised and encouraged to take action to ensure their child's regular school attendance. As a last

resort, if it is considered that the parents are negligent in their child's attendance, the Ministry may - and on occasion does - take the parents to the Family Court, which may impose a fine but, more importantly, direct the parents to take certain actions to improve attendance. There are no school attendance officers in the secondary school system, as it is considered that such issues may be best detected and dealt with by the counselling service.

225. There are about a dozen institutes of further and higher education in Belize, including the Belize Nursing School, Belize College of Agriculture, Belize Teachers' Training College, Belize Technical College, and several sixth form colleges. UWI operates a School of Continuing Studies, offering a series of certificate-level courses. UCB is the only facility offering degree-level courses, and accommodates close to 500 students. Most of these facilities are located in Belize City, although five of the six Districts now have sixth form colleges (in Belize, Cayo (at Belmopan), Corozal, Orange Alk and Stann Creek Districts), whilst UCB now offers qualifying courses in the District of Toledo. Within the limited resources available, there is a reasonable degree of accessibility to higher education. Further Government assistance is provided in the form of professional scholarships abroad, conditional upon the person returning to employment in Belize (S. 30).

226. With respect to the administration of disciplinary measures, some comment was made at section IV. I and K concerning corporal punishment. In general, it is the responsibility of individual school management to formulate and submit their rules for the Ministry of Education's approval. These include dress codes, rules governing behaviour, drug abuse, and so forth. There have been some problems, including expulsions, experienced with respect to hair styles associated with urban youth gang behaviour. The Ministry's School Rules state that corporal punishment may only be administered by the principal, and done so as a last resort and in a way that will not cause bodily harm to the student.

227. Belize continues to receive the cooperation and support of a number of external bilateral and multilateral agencies in the development of its education system. In recent years this has included the participation of the World Bank in the Primary Education Development Programme, and the assistance of USAID in initiating the Training for Employment and Productivity project, which receives the continuing assistance of the Government of Mexico, especially in technical assistance, the training of technical and agricultural personnel, the provision of equipment, installation assistance and expansion to other Districts. This project has expanded to function on a broader basis, with increased attention to vocational and trade training via an upgraded facility, the Centre for Employment training. United Nations agencies such as UNICEF and UNESCO provide continued support, and the Governments of Canada and the Republic of China (Taiwan) also provide assistance. The general impact of the assistance received from bilateral and multilateral agencies has been very positive. For example, Belize's educational system has been able to benefit in the areas of construction, repair and maintenance of physical infrastructures; increased availability of basic school texts for dissemination in disadvantaged school communities; training courses for teachers; and the continued development and expansion of literacy and early childhood education programmes.

228. Particular attention is being given to the problems of illiteracy, with the CSO estimating in 1994 a national literacy rate of approximately 70 per cent, with substantial variations between Districts. The regional immigration of large numbers of people from Central America with little - and in many cases no - education, appears to have had a marked impact on national literacy levels, and to largely account for District variations (as well as to have contributed significantly to the lack of capacity in primary schools). In addition, the recent influx of "new" immigrants from some Asian countries over the past two years have led to increased pressures on an already over-burdened and under-resourced educational system with serious long-term implications as far as capacity is concerned at all levels of the system.

B. Aims of education (art. 29)

229. Belize's education system is based upon a Church-State partnership. Schools are either Government-operated or Government-assisted (as in the case of most Church-based and denominational schools) or independent of government assistance. For example, within the primary education system of 274 schools, Catholic schools serve 62 per cent of all pupils, government schools 10 per cent, Anglican 10 per cent and Methodist 8 per cent, 30 of these schools are privately run. Of Belize's 30 secondary schools, 10 are Government-managed, 11 are Government-aided and Church-managed, 5 are Government-aided community colleges, 2 are specially assisted and 2 are private. As a result of the size of the Church-school presence, many education sector initiatives stem from Church-based action.

230. The Government is responsible for establishing education objectives, funding teachers' salaries, contributing towards the costs of facilities and their maintenance, developing curricula and administrative standards, training teachers and administering selection examinations at the end of primary school. The Church organizations are responsible for the management of their schools, school maintenance and personnel matters. Within this broad framework, the Ministry of Education's 1994 statement of Policy Goals and Strategies includes attention to curriculum guidelines, but ensures that individual schools have reasonable latitude in the specific composition of their curriculum.

231. The Government's educational policy goals generally address the requirements of this article, and include, inter alia:

(a) Provision of knowledge, skills and attitudes required for personal development and active participation in the development of Belize;

(b) Development of spiritual, social and moral values and an appreciation of other people's religions, beliefs, opinions and cultural background;

(c) Development of national pride in Belize's ethnic and cultural heritage, emphasizing the interdependence of the people of our region and of the world;

(d) Development of an awareness, sensitivity and commitment to conserve and protect national resources and the environment.

232. Government sets the framework for the contents of the school curriculum, but also encourages a degree of flexibility by schools. One unintended problem with encouraging some curriculum diversity is that this can lead to greater costs for students and their families associated with the purchase of textbooks. Insofar as the provisions of the Education Act are concerned, the only curriculum requirement is that "religious instruction in the Christian religion shall be given in every Government school and in every assisted school" unless the parent objects in writing (S. 22). It will be recalled from section 111.19 that this provision for parental consent is consistent with chapter II of the Belize Constitution.

233. With respect to education related to the natural environment, the Ministry of Education and NGOs have collaborated to produce teaching and learning materials to facilitate environmental studies within the formal curriculum. In addition to the efforts of the formal education system, the Department of Environment and NGOs cooperate to provide public education and to promote awareness of sound environmental practices. Opportunities are provided for children to interact with the environment, via such events as Earth Day, bodies such as youth conservation corps, and visits to the various sanctuaries, national parks and reserves, and the Belize Zoo and Tropical Education Centre.

C. Leisure, recreation and cultural activities (art. 31)

1. Leisure and recreation

234. While there are no laws which deal specifically with the subject of "leisure", the latter is in fact incorporated in the Sports Act.

235. The Sports Act (Cap. 35) provides for ministerial appointment of a Director of Sports (S. 3) and for the establishment of the National Sports Council of Belize (S. 5), whose objectives include "to promote, develop and improve the knowledge and practice of sports in the interest of the social well-being of and the enjoyment of leisure by Belizeans" (S. 6 (a)) and "to carry on any sporting or sports related activity for the promotion of youth development" (S. 6 (i)). The Council is responsible for, inter alia, the administration of a National Sports Fund (S. 16). The purposes of the Fund include "the encouragement, promotion and development of any sport in Belize" (S. 16 (4) (a)).

236. The Council receives an annual government budget, via the Ministry of Health and Sports, and is supported by District-based committees. These District committees generally coordinate and supervise recreational and sporting facilities, and support the recruitment of sports coaches, the organizing of recreational events, sports promotion in schools, the securing of equipment, and so forth. Committee members serve in a voluntary capacity. Each year, the Council organizes a Family Fun Run, which is viewed as promoting recreational participation by all, regardless of skill level and ability.

237. The emphasis of government effort is on promoting physical education for all, although there is no specific policy statement. The Ministry of Health and Sports and the National Sports Council are presently examining the issue

of sports, physical education and recreation, especially as a potential requirement of the formal school curriculum. In this context, it has been noted that approximately 10 per cent of the education curriculum is devoted to physical education in other countries in the region, but that the proportion in Belizean schools is closer to 2.5 per cent.

238. As just less than half of school teachers have received formal teacher training, this also means that less than half of teachers have formal training in physical education. Since 1990, the United States Peace Corps has assisted in the training of teachers in physical education, coordinated through the National Sports Council, in cooperation with the Ministry of Education, in an effort to redress this skills shortfall. As a result, there are now significantly more teachers trained in physical education.

239. Within communities, there is a severe lack of formal and informal play-space, especially in the urban areas of Belize City. In fact, a review by the Council revealed that there has been a decline in actual leisure space available, and of the actual number of sports facilities, in Belize City. As one example, Belize City had eight football fields in 1968, but only five now exist, each serving an average population which is 80 per cent larger than in that earlier time. A similar situation exists with respect to informal playing areas. This lack of constructive leisure options is considered to be a contributing factor to the rise of urban youth problems in recent years.

240. Finally, it should be noted that Belize is, in fact, very well endowed with a diversity of natural leisure and recreational areas, given its extensive protected areas and reserves, barrier reef and numerous cayes, coastal and inland waterways, and Mayan sites of archaeological and cultural significance. However, it is also true that access to such natural assets is very limited for the average Belizean family, requiring transport and overhead costs which are often prohibitive. Most of these opportunities are therefore of primary significance as foreign tourist destinations. However, it is also true that there is a lack of appreciation amongst many Belizeans of the value of the natural environment as a leisure pursuit.

2. Culture

241. Belize is made up of a number of culturally rich and distinctive ethnic groups. As a result, it benefits from a culturally diverse and heterogeneous heritage. (Reference was made at section IV.D. to current efforts in the media to recognize and promote indigenous language as a part of that heritage.) The broad arts area therefore is based not only on the promotion of traditional skills and awareness, but also is becoming increasingly conscious of the distinctive nature of indigenous cultural contributions to, in particular, the performing arts.

242. There is no specific legislation dealing with aspects of Belizean culture. Nonetheless, there is a current draft national arts policy which makes specific reference to children, and children feature prominently in national cultural activities and development. Since 1992, the whole of the month of May has been dedicated to the annual Children's Festival of the Arts.

March is set aside as Child Stimulation Month, and this includes a focus on teaching acting, singing, dance and other performing arts skills in schools nationwide, from pre-schools upwards. An annual Children's Day is also observed in March.

243. National coordination and development of cultural and artistic pursuits is the responsibility of the Belize Arts Council, located in the Ministry of Education and Culture.

244. Evening classes in the arts and crafts and the performing arts are very popular in Belize with well over 75 per cent of all participants in the performing arts consisting of children. Classes are mainly concerned with dance, and require a small fee, although assistance is provided to people based on financial need. Coordinators go into schools in Belize City to promote further appreciation of and participation in the arts, and the Arts Council contributes financially towards the provision of transportation.

245. The Government, together with UNICEF and UNESCO and the local business community, financially assist the participation of children in the Festival of the Arts, with particular emphasis upon the mobilization of children. In rural and more remote communities, transportation assistance is also provided to enable children to watch the Festival. The experience has been that, in the following year, such schools will usually themselves join in the Festival activities.

246. Belize has a diverse multicultural history. There have been initiatives taken by some national cultural and ethnic groups (for example, the Garifuna and Maya) to promote their cultural heritage, including through national gatherings, the teaching and exhibition of dance and music, and the development of culturally based crafts.

247. The Ministry of Education has recently taken steps to add the creative arts to the formal curriculum, rather than to leave it as a part of the extra-curricular education programme.

248. In terms of national coverage, at present the two northern Districts of Belize require special attention to facilitate improved participation in cultural activities at the national level. The Belize Arts Council is presently endeavouring to address this aspect of its activities.

D. Concluding comment

249. The efforts of the formal education system to cater to growing numbers of children, especially often located in rural and remote areas, need to be acknowledged, as do recent reforms to improve the affordability of schooling to all families. However, it is clear that greater efforts must be taken to ensure that all children have universal access to an education; increased classroom capacity, improved local presence of schools or greater availability of transport.

250. There is also a need to acknowledge the problem of the child of compulsory school age who is unable to secure a place in the secondary school

system, but who would benefit from access to less formal learning and life-skills training. In such instances, there is a need to enable an expansion of places in alternative learning environments, similar to YES, YMCA and YWCA facilities.

251. Despite the policy of compulsory attendance, it must be said that the non-participation of children under the age of 14 years if of great concern. This is viewed as being due to a lack of capacity in the mainstream education setting, poverty, as well as a lack of suitable alternatives in the informal sector, but needs to be accompanied by improved resourcing for intervention in repeated instance of non-attendance.

252. To the extent that non-participation may be at least in part due to lack of capacity, this must constitute a denial of human rights to a number of children. At the same time, it is acknowledged that there is a severe lack of financial resources to adequately address the need for greater classroom capacity. This is all the more so during this present period of structural adjustment. Nevertheless, there is an urgent need to ascertain the size and nature of the problem - especially exacerbated by the regional influx of children in need of access to education coupled with the recent inflow of "new" immigrants from Asia and the parallel need to avoid the displacement of educational opportunities for native Belizean children. A clear and comprehensive strategy must be formulated to ensure that no child is denied an education.

253. Associated with this, there is a need to ensure the adoption of more strategic responses to increasing the rate of primary school completion. At the same time, the Government should establish targets and time limits for reducing - and at least halving - the rate of absenteeism, especially amongst students of compulsory school age. These suggestions are made with full recognition of the efforts already being undertaken by the Ministry of Education. At present, efforts are being made to research and better understand the nature and incidence of the drop-out population, to enable appropriate policy responses to be formulated.

254. Action must be taken to cease the continued practice in government and non-government schools alike of expelling pregnant students. This is of particular concern when it is considered that the education of young women is a significant factor in improving the quality of child-rearing, in reducing unwanted pregnancies and teenage fertility rates, and in addressing issues of the economic independence of women. It is considered unacceptable that such practices should be at the discretion of individual school administrations, and the Government needs to implement regulations to ensure that pregnancy is not a ground for denying a child an education. Furthermore, the Ministry should take steps to develop and implement policies and procedures to encourage and facilitate the resumption of formal education by young mothers.

255. Government also needs to take action to establish additional vocational training facilities, similar to the Centre for Employment Training, in other Districts, to improve the accessibility to, skills range of and volume of students in such training courses.

256. Consistent with concerns raised in other chapters about the imminent lack of sustainability of many national NGOs, it is necessary that there be a review of the situation facing PRIDE, with a view to ensuring the longer-term sustainability - even expansion - of the Student Assistance Programme within the secondary school system. Given the steps which PRIDE has been taking to ensure sustainability (transmitting skills to NDACC, formalizing training programmes and resource materials, introducing a training module into formal teacher training at the Teachers' College, etc.) this may not prove to be a problem. However, it is considered that the opportunity exists to further develop the professionalism of the programme, through an expansion of in-service training and upgrading the recognition of the certificated course to a more formally accredited status. At the same time, it is apparent that the programme needs expanding to improve the attention given to the provision of vocational guidance and counselling, in addition to current attention to personal and academic counselling and limited career guidance. It is considered that the system of school attendance officers is not working as well as it could or should. There are seriously inadequate staffing levels (indeed, three Districts have no such officers employed), too much time is being spent on administrative functions, and there is dependency - especially in rural areas - on volunteer help. The level of need must be determined and greater attention given to the formulation of effective strategies to promote attendance as well as to the training of such officers.

257. There is also an apparent need to formulate, adopt and promote more constructive disciplinary measures which may encourage the reduced use of corporal punishment, or at least to broaden the range of options available if corporal punishment is to remain as a "last resort". This concern is consistent with, and should be linked to, the final point at section V.K.

258. The low percentage of teachers who have been formally trained has been noted, and it is recognized that steps are being taken to rectify this situation. However, it is considered that specific action is needed to extend the acquisition of practical teaching techniques by secondary school teacher training, as is done with primary school teacher training.

259. With respect to leisure and recreation, a national recreation policy statement needs to be adopted which is all-encompassing and diverse, including attention to leisure usage and to the particular needs of and opportunities for children. There is a related need to develop and adopt a national educational curriculum guide, which includes attention to children from pre-school age through to the end of secondary school and college age.

260. It is also considered that physical education should become a compulsory part of the school curriculum up to the secondary level. Associated with this is the apparent need that school buildings be adequately equipped with sporting and recreational facilities, and special attention given to improving the participation of females in sporting activities.

261. Especially in Belize City, there is an urgent need for local authorities to provide more leisure and recreational facilities for children. This is particularly important when considered in the context of the social and

economic cost-benefits of what is essentially an investment in young Belizeans, with substantial immediate and future "savings" in terms of reduced anti-social activity, violence and vandalism.

262. There is a clear need to take concerted steps to improve the public's awareness and appreciation of the natural environment, with its pristine beauty and need for protection, given that so few Belizeans visit the many national parks and protected areas that are so popular with foreign tourists. Perhaps such a campaign should commence in the school, given the great success in raising the awareness and appreciation by Belizean children in national flora and fauna through well-developed programmes of excursions to the Belize Zoo and Tropical Education Centre.

263. Finally, with respect to c ltural awareness, Government needs to adopt a national arts policy, with attention to the participation of children. To give improved effect to current efforts, action is required to ensure training programmes in the performing arts and cultural expression, for teachers and children, as well as to formally include performing arts in the primary and secondary school curricula. It is also considered that there is scope for national planning to foster greater cooperation at international, regional and national and community levels, and nationally and locally to broaden participation in ongoing programmes and events, rather than the present emphasis primarily on annual events.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency (arts. 22, 38 and 39)

1. Refugee children (art. 22)

264. The Refugees Act, No. 26 of 1991, gives effect to the 1951 Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees (S. 3). It also provides for the establishment of a Refugees Office (S. 5) (now Refugee Department within MHR) and a Refugee Eligibility Committee (S. 6).

265. Under the Act, refugees have all the rights and duties contained in that Convention and are subject to Belizean law. They have reasonable opportunities to work and special efforts have been taken to ensure the provision of adequate housing, and access to schooling and health services. In Belize, the number of registered refugees constitutes approximately 5 per cent of the total population, and undocumented persons and illegal aliens are estimated to represent up to another 10 per cent of the national population. Most of these households live in rural and remote areas, so that the provision of adequate facilities and services (as required by S. 5 (2) (b)) represents a significant undertaking by the Government, which has been generously assisted by external agencies such as UNHCR and UNDP, regional organizations such as the International Conference on Central American Refugees (CIREFCA) and donor Governments. It must be noted that Belize has not constructed any refugee camps or facilities, instead emphasizing social integration pending any decision by families to voluntarily repatriate.

266. The Protocol relating to the Status of Refugees, which is now a part of Belizean law, defines refugees as including unaccompanied children under 16 years of age, and provides that they shall be given all possible priority assistance. Apart from this, the protection and treatment of refugee children is included in the general provisions of the Act.

267. Most recently (July 1995) Government has established a Refugee Policy Advisory Committee to review and advise on policies and legislation affecting refugees. Its membership of six include three representatives from the Ministry of Human Resources, one from the Refugee Department, and one each from the Immigration, Human Rights and Solicitor-General's Offices.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

268. With respect to article 38, the Defence Act prohibits a recruiting officer from enlisting a person under the age of 18 years into the regular force (S. 16 (2)), and this also applies to recruitment into the volunteer element of the service (S. 177 (2) (a)). By virtue of the defence reserve force being only open to officers or former soldiers of the regular service, reserve enlistment is similarly unavailable to persons under the age of 18 years (S. 130).

269. However, the Act does enable the Governor General to make regulations concerning national service (S. 164). Such regulations include provision for the age of persons to be called up, and make no reference to any minimum at which this age may be set (S. 164 (2) (i)). It is important to note that unlike most of its Central American neighbours, armed conflicts within its national borders have been a rarity in Belize and limited to just occasional skirmishes along its border with Guatemala.

270. With respect to article 39, reference should be made to laws protecting the child from violence (sect. V. I.). The agency primarily responsible for addressing the needs of children subjected to neglect, abuse, maltreatment or other forms of violence is DHD, and this includes the administration or overseeing of residential care facilities for children in need of care and protection. In the context of recent reviews of and reforms to such arrangements (as described elsewhere in this report), there has been an increasing emphasis on the need for such children to be treated with the utmost respect and dignity. The main concern, however, is of the lack of capacity within DHD and associated NGOs to fully meet the level of need, especially in terms of early detection and intervention.

271. A recent independent review noted that "the need or an agreed consensus in Belize on what constitutes the various forms of abuse was voiced many times. An absence of this can result in damaging inaction for the child". Recommendations made in this area by a report by the National Children's Home (United Kingdom) in 1994 included an agreed definition of the various forms of child abuse and an agreed inter-agency method of working, including each agency's responsibility. All parties involved with abused children should know what to do in a case of suspected or actual child abuse. This includes the Belize public.

B. Children in conflict with the law (arts. 37, 39 and 40)

1. The administration of juvenile justice (art. 40)

272. It will be recalled that the Juvenile Offenders Act defines a child as being under 14 years of age, and a young person as anyone who is 14 years of age or upwards and under the age of 16 years. Provisions of this Act pertinent to this article include that:

(a) Proceedings against or involving children or young persons are to be held in a different building from that in which ordinary sittings are held for adults (S. 3 (1));

(b) Persons under 16 years of age are to be kept from adult offenders except when jointly charged with adult offenders (Ss. 3 (3) and 6);

(c) Only members and officers of the court, attorneys-at-law and others directly connected with the proceedings are allowed to attend Juvenile Court (S. 3 (4));

(d) The identity of a person aged under 16 yeas and involved in juvenile proceedings may not be published (S. 3 (6));

(e) If a child or young person cannot be brought before a court immediately, he or she should be granted bail (S. 4);

(f) If not granted bail, the child or young person should be placed in custody in a "place of detention" which is not a prison, unless the court finds him or her to be too unruly or in a state unfit for such detention (Ss. 5 and 7); and

(g) No child shall be sentenced to imprisonment, and no young person shall be sentenced to imprisonment if he or she can be suitably dealt with any other way, e.g. probation, fine, committal to a place of detention, certified institution or otherwise; however, if sentenced to imprisonment, the young person should be kept from adult prisoners (S. 11).

273. With respect to the separation of young people and adults in prison, there have been a number of times when this provision has not been observed. However, the new Hattieville Prison, opened in 1994, included plans to construct a separate facility for young people, and this will be operational by early 1996.

274. Under section 6, subsection 3 (a), of the Belize Constitution, a person is presumed innocent unless and until found guilty by a court of law, an accused person may not be compelled to give evidence or admit guilt, the accused has a right to examine a witness and has the right to an appeal. For juveniles, emphasis is also given in the Juvenile Offenders Act to procedures in the court, including the right to consult with the parents and to be tried in a court other than the Juvenile Court (S. 8). The Act also emphasizes non-institutional responses to civil and minor offences by children and young persons, including committal to the care of relatives (S. 14), and encourages courts to pursue a number of options, even in instances where the court is

satisfied of the person's guilt, viz: dismiss the charge; discharge the offender on bail; release the offender on probation; send the offender to a certified institution; order the offender to pay a fine, damages or costs; order the parent or guardian to give security for good behaviour; commit the offender to a place of detention; or imprison the offender (if a young person) (S. 15).

275. Apart from a requirement that the accused young person have the substance of the alleged offence explained in "simple language" (S. 8 (1)) (presumably including translation into a foreign language, if necessary), there is no legislative requirement for interpretation services. Within the court system, interpreters are brought in as required, and paid a small allowance. All charges are explained in a language understood by the accused person, and proceedings translated. This has more recently included provision for Chinese translation, given the current immigration of substantial numbers of people with Chinese as their first - even only - language.

276. Of particular importance is the requirement on the court to obtain information concerning the juvenile's general conduct, home life, school records and medical history, "as may enable it to deal with the case in the best interests of the child or young person" (S. 8 (10)).

277. Reference has already been made to the provision of alternatives to incarceration and to increasing government emphasis upon the deinstitutionalization and family reintegration of children. This includes action by DHD in 1995 to close one juvenile institution and to establish improved arrangements for probation and community service orders, as well as measures to strengthen counselling services for children with a view to adopting alternatives to institutionalization, including training or a return to formal education.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b) (c) (d))

278. Reference should be made to section VIII.B.1, with respect to the detention and committal of young offenders, their access to parents during court proceedings, and pursuit of alternatives to detention. In addition to those provisions, the Juvenile Offenders Act authorizes the relevant minister at any time to discharge a child from the care of any person or institution (S. 14 (8)). The same provision is contained in the Certified Institutions (Children's Reformation) Act (S. 27).

279. There are no specific provisions in the laws for the child to maintain contact with his or her family (apart from during the legal process itself). It is important to reiterate, however, that the Juvenile Offenders Act empowers the court to adopt a range of measures in response to a charge which it considers proven, including dismissing the charge, conditional release of the offender, or his or her release into the care of a relative (S. 15 (1)). Also, that Act states that the court's actions must be in the child's or young

person's "best interests". In practice, both the courts and the institutions encourage contact between the child and his or her parents. Such contact and visits may be set as a condition of the court, and the institution will also encourage home visits when considered appropriate.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

280. Section 7 of the Belize Constitution protects all persons (children included), from torture or inhuman or degrading treatment. In addition, sections 5, 6 and 8 guarantee the rights to personal liberty, due process of law and freedom from slavery and forced labour.

281. The Indictable Procedure Act provides that capital punishment shall not be imposed where the offender was under 18 years of age at the time of the commission of the offence, in lieu of which the offender shall be detained at the Governor-General's direction (S. 151 (2)).

4. Physical and psychological recovery and social reintegration (art. 39)

282. A 1994 report by NCFC identified children in difficult circumstances as comprising (in descending order of severity): children from dysfunctional families, youth "at risk", children in poverty, and abused and neglected children. Even so, it needs to be noted that Belize has not had to itself face the levels of violence, civil unrest and armed conflict common in neighbouring countries in Central America in the past two decades, which have so often been responsible for generating such physical and psychological damage.

283. This is not, however, to argue the absence of such problems amongst Belizean children. As already discussed, DHD has primary responsibility to take action upon reports of abuse and neglect of children. Its officers provide casework roles of investigation and counselling and the preparation of court reports, as required. The Department is also responsible for the operation of facilities for accommodating children in need of such care and protection, and for governing standards of such care in non-government facilities, under the Social Service Agencies Act and the Certified Institutions (Children's Reformation) Act.

284. NOPCA was established in 1992 in response to a perceived need for greater attention to the problem of child abuse, and has sought to develop means to better combat the different forms of child abuse. Resistance to reporting occurrences of child abuse contributes to a poor understanding of the nature and extent of the problem. This can also mean that appropriate interventions are difficult to ensure.

285. In essence, the main response to a case of child abuse would normally be a report to a district office of DHD or an NGO, and the investigation of that report, to enable suitable action to be taken. This may or may not be deemed to warrant legal action, depending upon the circumstances and the best interests of the child concerned. Nevertheless, it is considered that there is a need for more concerted action in this area.

C. Children in situations of exploitation (arts. 32-36 and 39)

286. The application of article 39 with respect to children in situations of exploitation is generally dealt with in earlier commentary (sects. V.I, VIII.A.2 and VIII.B.4). It is further considered within this section in the context of specific forms of exploitation, i.e. economic and sexual exploitation.

1. Economic exploitation, including child labour (art. 32)

287. The Labour Act is the principal legislation which protects children and young persons from economic exploitation. The Act defines a child as under the age of 14 years and a young person as 14 years but less than 18 years of age. A child may not enter into a contract of employment, and a young person may only do so for employment approved by a labour officer as not being injurious to the moral or physical development of non-adults (S. 54). Similarly, the Shops Act (Cap. 231, S. 3 (1)) states that no child shall be employed in a shop.

288. The Labour Act also provides that any person aged under 18 may enter into an employment contract, but may not be liable for the payment of any damages in respect of any breach of that contract (S. 31). In view of S. 51, it is assumed that this provision can only apply to a young person.

289. There is also provision in the Act for recruiting "persons who do not spontaneously offer their services at the places of employment or at an [employment recruitment office]" (S. 65). Children and young persons are precluded from this provision, except for young persons who may be employed on light work at the Commissioner's discretion and with parental consent (S. 71). There is also a requirement that such a recruited worker who may have to relocate not be separated from spouse or child, except at the recruit's express wish (S. 72).

290. Part XV of the Labour Act ("Employment of Women and Children", Ss. 160-176) generally prohibits the employment of women, children and young people on evening and night work, contravention of which is an offence for which the employer is liable to a fine or to imprisonment (S. 161). The Minister may authorize an exemption for the night employment of a male young person, for purposes of apprenticeship or vocational training, or of serious emergency, or between the hours of 7 p.m. and 11 p.m. where there is a sufficient rest period (S. 162 (2)-(5)). Furthermore, the Minister may exempt the employment of a child or young person in a family business if such employment is considered to be unharmful to them, and may attach appropriate conditions to that employment (S. 162 (6)).

291. Part XV also specifies the regulations governing the employment of children and, subject to any ministerial regulations (S. 170), precludes such employment for children aged under 12 years; for certain hours on schooldays, evenings and Sundays; in instances where there is heavy lifting or carrying; or in instances harmful to the child's physical condition or education (S. 169).

292. Contravention of Part XV by an employer or parent is an offence punishable by a fine or imprisonment (S. 172) (the penalties being much lighter than those applicable for contravention of this Part as per S. 161). It is noted that work done not for pay, for charitable or educational purposes (S. 171), or manual labour by a child detained in an institution, be it under the Certified Institutions (Children's Reformation) Act or an orphanage or a school teaching manual labour (S. 175), is exempted from the provisions of Part XV.

293. Despite the comprehensive and generally satisfactory nature of the Labour Act with respect to child labour, there remain some concerns about the extent of undetected infringement of these provisions. This is evident from the day-to-day observation of numbers of school-age children engaged in the informal economy, and evidently employed on a casual - albeit often full-time - basis. Reasons quite likely include the need for the family's income to be supplemented, as well as a problem associated with the lack of classroom capacity for children of compulsory school age.

294. Of greater concern is the incidence of the employment of children in the formal economy in exploitative situations. Again, detection by labour inspectors is very difficult, and none of the parties (employer, child or parent) is likely to voluntarily report such infringements. Greater efforts must be made to more fully enforce the provisions of the Labour Act concerning child labour.

295. In 1995, NCFC began plans to initiate a quick survey of child labour practices in Belize, in collaboration with the CSO and the International Labour Organization (ILO). This will be followed by the formulation of an intervention strategy in response to the problems revealed by the survey.

2. Drug abuse (art. 33)

296. Although there are legislative provisions which prohibit the use of children in the production and trafficking of liquor, there are no provisions in place in relation to narcotic drugs and psychotropic substances.

297. The Intoxicating Liquor Licensing Act provides that a licence holder who sells or delivers liquor directly or indirectly to any person aged under 18 years is guilty of an offence and liable to a fine (S. 41). It also provides that a licence holder who employs any person aged under 18 years to sell liquor is guilty of an offence and liable to a fine (S. 60).

298. Belize has acceded to the relevant United Nations conventions, and is presently preparing to accede to the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The Government's policy in this area is the prescription of more severe penalties for offences involving illicit drugs as demonstrated by the Misuse of Drugs Act No. 22 of 1990.

299. In recent years, and largely due to changing practices by other countries in the containment of international drug trafficking, Belize has suffered a sizable increase in the presence of illicit "hard" drugs on the streets of its main population centres. This means that more of the drugs

which may formerly have passed through Belize as a transshipment point are now remaining here, with accompanying increases in the detection of domestic trafficking and abuse problems.

300. Even so, hard data on drug trafficking and drug abuse among children are difficult to identify or are not available at all. PRIDE Belize (1992) has done a survey of drug and alcohol use and abuse among senior primary and secondary school students which suggests that while alcohol is the number one choice for the majority of students at both levels, cocaine use is rising in most secondary schools and junior colleges, and the use or marijuana has been falling. This situation needs to be examined in more detail. In fact, as a general recommendation, efforts at data collection on specific issues affecting the rights of the child, which are not normally collected on any sustained basis by central statistical organizations, need to be addressed urgently.

301. The combined domestic effects of North American drug trafficking containment, lack of educational and employment opportunities, and rising levels of poverty among large sectors of the population indicate the complexity of adequately dealing with this problem. For many Belizeans, this has been exacerbated by the impact of many young Belizeans returning from a period living in urban North America, with its accompanying drug and youth culture, and reinforced by the portrayal on cable TV of drug abuse as an acceptable lifestyle choice for young people.

3. Sexual exploitation and sexual abuse (art. 34)

302. Provisions for the legislative protection of children from sexual exploitation and abuse were discussed at, inter alia, sections V.I and K. Nevertheless it is obvious that legislation on its own is a necessary but not sufficient guarantee that these rights are not violated. Greater efforts need to be made to ensure implementation of the legislation . There is no specific evidence or knowledge of child prostitution or the pornographic use of children in Belize. While it may be acknowledged that specific documentary evidence or knowledge of child prostitution or the pornographic use of children in Belize is not available, this does not signify that such activities are alien to Belize - even though sporadic and extremely rare.

303. As commented on in section V.K, in several instances the laws relate specifically to female children, when it is clear that such legal protection should also be afforded to male children. This certainly applies with respect to the protection of all children from sexual exploitation and abuse.

4. Other forms of exploitation (art. 36)

304. In addition to the provisions relating to various forms of exploitation, including of a sexual nature or within the labour laws (as have already been considered), reference has also been made to laws in which the courts are required to act in the best interests of the child's welfare. More specifically, reference is again made to the provisions of the Infants Act, which include the right and capacity of a child (that is, aged under 18 years) to take legal proceedings in certain cases (S. 6), and to the legal responsibility of parents to safeguard the child's welfare.

305. One area of legislative protection not covered elsewhere relates to the prevalence of firearms, especially amongst urban "gang" members. During 1994, there were attempts to recover illegally owned firearms, through both a general amnesty period and an offer of "guns for cash", neither of which were especially successful. However, it is noted that the Firearms Act (Cap. 116, S. 36) makes it an offence punishable by a fine and/or imprisonment for a person aged under 16 years to possess or use a firearm and for a person to lend, sell or give a firearm to an under-16-year-old. Again, stronger enforcement of such a provision is required, although the difficulties in doing so are also acknowledged. The Conscious Youth Development initiative mentioned at IV.F is one strategic response to this issue.

306. The provisions of the Criminal Code are noted with respect to the issue of consent (S. 12). In instances where the child is under seven years of age, or where there is evidence of immaturity, deceit or duress, the undue exercise of authority, the lack of good faith by a parent or guardian, or consent based on a factual error, the child's consent is void. Combined with other legislative safeguards, this is considered to constitute reasonably comprehensive protection of the child against different forms of exploitation. Again, however, the question remains of the adequacy of the implementation of such provisions.

5. Sale, trafficking and abduction (art. 35)

307. There have been only a few known isolated cases of the illegal abduction of children in Belize. The laws relating to the abduction and kidnapping of children were described at V.H, with respect to article 11, including reference to Belize's ratification and implementation of the Hague Convention on the Civil Aspects of International Child Abduction. Also, reference was made in V.G to steps being taken at present to reform procedures in the processing of adoption applications to safeguard against the possibility of child trafficking, with respect to intercountry adoptions. This is largely a response to predominantly unsubstantiated reports of such practices within the Central American region.

D. Children belonging to a minority or an indigenous group (art. 30)

308. As already stated, chapter II of the Belize Constitution guarantees freedom of religion, as well as freedom from discrimination on the grounds of religion or ethnicity. It has been noted earlier that, for what might be considered "indigenous" groups, there is strong integration and acceptance of such traditions and practices, including media programming, and cultural promotion and teaching. There is a strong and widespread tolerance, even integration, of the different languages into social life.

309. This has enabled a high degree of social integration of refugees, displaced persons and other vulnerable minority groups into Belizean life, given common shared language, religion and cultural heritage. On the other hand, it has led to great pressures on domestic facilities and services.

310. This similarly applies to non-indigenous minorities, which include small Asian Indian, Mennonite and Lebanese populations, all of whom play functional roles in the Belizean society with full respect for their ethnic traditions, religious beliefs and practices, and languages. Of current importance at present is the recent entry of a sizable number of Chinese, predominately from the Republic of China (Taiwan). This is beginning to place even greater pressures on the education system (especially with many new students speaking neither English nor Spanish), as well as generating domestic concern about cultural differences, often extending to concern about an impetus to economic inequality, given the wealth entering Belize translating into extensive land acquisition and enterprise development in what may be considered "enclaves". It is still too early to predict the extent to which this may impact upon the rights of this new ethnic minority.

E. Concluding comment

311. Once again, despite a high degree of progress towards compliance with the relevant articles of the Convention, there are a number of opportunities for improving that compliance. Firstly, with respect to article 38, an amendment needs to be made to the Defence Act (S. 146 (2) (i)) to prescribe a minimum age for national service, which is presently at the discretion of the Governor-General. This should ideally be set at 18 years, but at the very least at 16 years.

312. There needs to be urgent attention given to the detection of and intervention in incidents of child abuse. This will require action by DHD, in close consultation with relevant NGOs and other agencies, to first review the recommendations of the 1995 review by NCH and then adopt an action plan. This will need to include attention to the role of NGOs and their relationship to DHD in such instances, a public education campaign aimed at both prevention and reporting, professional training of persons involved in intervention and management of cases of abuse, and improvements to the recording of statistics of the incidence and nature of child abuse.

313. In view of the requirement of the Juvenile Offenders Act (S. 8 (10)) that the court deal with cases in the child's or young person's best interests, attention is warranted to promote more positive alternatives to imprisonment or detention (as well as ensuring that court rulings are consistently in his or her best interests). At the same time, reforms initiated in 1995 - with respect to a community probation service and improved coordination of community service orders - are recognized as sound steps in this direction. To ensure adequate effect to such provisions will require improved resourcing and personnel, for example, in enforcing maintenance orders, supervising probation orders, investigating infringements of labour laws, and so forth. However, there must also be attention to improving options in formal education and vocational training, as well as other alternatives.

314. Whilst the laws governing child labour are considered adequate, there remain concerns about the degree of infringement, even when such cases are reported. It is considered that there must be improvements to the investigation of non-compliance with the Labour Act, especially with regard to children and young people, which may also require an increase in the number of

labour inspectors. This should be considered in the context of the need for Government to urgently follow up the proposed findings of the present CSO/NCFC/ILO study on child labour. Also, within Part XV ("Employment of Women and Children") the general penalties under S. 172 are considered too lenient, and should be made consistent with those applicable under that Part at S. 161 (dealing with night employment). Further, attention should be given to practices in institutions where child manual labour is permitted, to ascertain any degree of abuse or exploitation of this provision.

315. The reported illicit drug and alcoholic abuse by students, accompanied by at least anecdotal evidence and public concern about the overall high level of such abuse, indicates that there is a need for improvement in the gathering of data and conduct of research on this area. As discussed at VIII.C.2, adequately tackling this problem is clearly complex, but will certainly require the expansion of a range of choices for young people. In addition, improved quantitative and qualitative data are required to better inform agencies about more appropriate responses. As has been proposed at the end of V.K, there is a need to extend laws pertaining to the protection of young women from sexual exploitation and abuse to include young men.

316. Research is required on the incidence of such abuse and exploitation, and of the adequacy of current organizational responses. There is an evident need for urgent attention to improve reporting, documentation and intervention practices, which will need to include reference to the professional relationship between different government agencies and NGOs with a mandate in this area.

317. With respect to the rights of minorities, the situation concerning the growing Chinese population will need to be monitored, especially with respect to the degree of social integration which they practise and experience, and their associated enjoyment of cultural and religious freedoms. It is simply too early to reasonably anticipate whether or not this population will choose to live in enclaves or to more fully integrate within the larger community.

IX. CONCLUDING COMMENTS AND REFORM PRIORITIES

318. This report has documented and described current legislative, judicial and administrative arrangements pertinent to considering Belize's degree of compliance with the articles of the Convention on the Rights of the Child. It has demonstrated that there exists a fair degree of conformity with the Convention. This largely reflects the nature of the legal system inherited from the former colonial administration of the United Kingdom on which Belize has continued to build.

319. At the same time, however, that same tradition also gives rise to many of the weaknesses which need to be addressed. This includes the need for many laws and associated judicial and administrative practices to be revised and updated to better reflect contemporary values and concerns. This is especially so with respect to the situation pertaining to children, and the recognition of their rights and entitlements within a socio-political system more attuned to universal principles of social justice and equality of treatment which the Convention embodies.

320. It is evident from the discussion in preceding chapters that there are various factors and difficulties which have impeded Belize's more complete compliance with the Convention. These include severe resources constraints, in terms of limited national public budgets; the steady withdrawal in recent years of multilateral and bilateral funding agencies in the face of competing priorities elsewhere; the failure of public agencies to adequately implement or enforce some laws; the impact of rapid demographic change and the influx of Central American refugees and Asian immigrants; its concomitant pressures on services and facilities for children and families; and the inconsistency in a number of cases between the adequacy of legislation and corresponding weaknesses in judicial and administrative application of those provisions. In the past year, domestic resource constraints have been compounded by the effects of the adoption and application of a national structural adjustment programme, which is not only further limiting access to public resources, but has also led to a curtailment in the provision of public services and exacerbated hardships for many families.

321. This report not only primarily serves as a national report on compliance with the Convention and of steps taken to improve that compliance, but also aims to fulfil an important secondary function of serving to identify opportunities for reform to enable Belize to further improve the degree to which its is able to fulfil its obligations as a party to the Convention. Accordingly, attention has been given in each of the chapters to concluding comments which aim to summarize potential areas in which such action might be taken. It will be evident from this report that some of the ways in which Belize complies with the Convention are due to laws, policies and practices which were in place prior to Belize becoming a party to the Convention. Since then however, a number of additional measures have been implemented to further achieve the goals of the CRC, e.g. the introduction of the Domestic Violence Act No. 28 of 1992 and the Family Legislation (Amendment) Act No. 8 of 1994; the upgrading of the National Advisory Framework to Government in the form of the National Committee for Families and Children - working towards the goals of the CRC; the creation of the Family Services Division in the Ministry of Human Resources; reforms to fostering and adoption procedures; current work being done to make available a new comprehensive Family and Children Ordinance.

322. Belize will continue its strong commitment to ensuring that the Convention on the Rights of the Child is given its fullest effect.